

THE MADRAS LEGISLATIVE COUNCIL



Monday, the 7th May 1962

The House met in the Council Chamber, Fort St. George, at three of the clock, the Deputy Chairman (SRI V. K. PALANI-SWAMY GOUNDER) in the Chair.

I.—QUESTIONS AND ANSWERS

STARRED QUESTIONS.

Madras Vanaspathi Factory

* 49 Q.—SRI S. K. SAMBANDHAN: Will the Hon. the Minister for Industries be pleased to state with reference to the answer given to Legislative Council Question No. 128 on 8th March, 1961—

(a) whether the Government have received the annual instalments from the Madras Vanaspathi Factory at Villupuram as per agreement; and

(b) whether the factory is working?

THE HON. SRI R. VENKATARAMAN: (a) The first instalment which fell due on 1st April 1961 has been paid. The second instalment due on 1st April 1962 has not yet been paid.

(b) No, Sir.

SRI M. SUBBIAH CHETTIAR: May I know, Sir, the total amount due from the firm?

THE HON. SRI R. VENKATARAMAN: Sir, it is Rs. 8,24,186 towards principal and Rs. 5,58,000 towards interest.

SRI S. K. SAMBANDHAN: Will the Hon. Minister tell us why the factory is not working?

THE HON. SRI R. VENKATARAMAN: Sir, it has been closed for a long time. They are renovating it by reconditioning the machinery, etc. They have also applied for high tension electricity power supply. The information that the Government have got is that they will start functioning very soon.

Dharsan of Renganadha

* 50 Q.—SRI M. SUBBIAH CHETTIAR: Will the Hon. the Minister for Finance be pleased to state—

(a) whether any additional fee is collected during festival for dharsan of Renganadha at Srirangam; and

(b) if so, the reasons therefor?

THE HON. SRI M. BHAKTAVATSALAM: (a) Yes, Sir.

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(b). This is done partly for the convenience and the regulation of the worshipping public and partly for augmenting the financial resources of the temple.

SRI M. SUBBIAH CHETTIAR : புதிதாக எந்தெந்த ஐடங்களுக்கு எவ்வளவு தொகை போடப்பட்டிருக்கிறது?

THE HON. SRI M. BHAKTAVATSALAM : Sir, the fees now charged are :—

(1) a fee of one rupee for each session in the morning and evening for entrance into the Santhanu Mantapam when the deity starts and returns to the sanctum sanctorum.

(2) a fee of one rupee for Tirukaithala Sevai, Alwar Moksham and for Ekantha Seena Gana Sevai.

(3) a fee of Rs. 3 and Rs. 2 for Muthangi Sevai in the forenoons of the Ekadasi Day and 2nd and 3rd and 4th days of the festival (in the previous years there was no darshan during the forenoons on these days).

SRI M. SUBBIAH CHETTIAR : விஸ்வரூப தரிசனம் போன்றவைகளுக்குக் கட்டணம் வைத்திருப்பதால், பணம் இல்லாதவர்கள் தரிசனம் செய்ய முடியாமல் சிரமப்படுவது தெரியுமா?

THE HON. SRI M. BHAKTAVATSALAM : விஸ்வரூப தரிசனத்திற்குக் கட்டணம் கொடுக்க வேண்டியதில்லை. இந்த வகைகளில் தான கட்டணம் கொடுக்கவேண்டியிருக்கிறது.

SRI G. KRISHNAMOORTHY : Cannot certain hours be allotted during which people could have darshan without paying the fees?

THE HON. SRI M. BHAKTAVATSALAM : On other days people are free to go there and no fee is collected.

SRI G. KRISHNAMOORTHY : Are the Government aware that on such festivals as *Muthangi Sevai* and others, there is no *dharma sevai*?

THE HON. SRI M. BHAKTAVATSALAM : Yes, Sir. For *Muthangi Sevai* this fee is collected. So, those who are not able to pay, cannot go there and have worship during *Muthangi Sevai*.

SRI G. KRISHNAMOORTHY : Cannot the Government allow poor people also in these days of democracy to have *sevai*, *dharma sevai*, during particular hours allotted during the day or cannot the days be extended and certain days allotted for *dharma sevai* so that the crowd may be less?

THE HON. SRI M. BHAKTAVATSALAM : Because these are days of democracy, the difficulty arises. I have already said that people come in such large numbers that it will not be possible to regulate the crowd without these restrictions.

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National Cadet Corps

* 51 Q.—DR. A. SREENIVASAN: Will the Hon. the Minister for Finance be pleased to state—

(a) whether there is any proposal to construct a permanent building to accommodate National Cadet Corps in the State; and

(b) if so, the stage at which the matter now stands?

THE HON. SRI M. BHAKTAVATSALAM: (a) Yes, Sir.

(b) The selection of site is under consideration.

DR. A. SREENIVASAN: Is there any proposal to get land in the Island ground itself for putting up a building for the N.C. C. people?

THE HON. SRI M. BHAKTAVATSALAM: There is a proposal to have a site within the Government House Estate. Which site they should have, is yet to be decided.

SRI G. KRISHNAMOORTHY: Is the building intended to be put up for the State Headquarters or the District Headquarters?

THE HON. SRI M. BHAKTAVATSALAM: The present proposal is about the State Headquarters.

Teacher's Constituencies

* 52 Q.—SRI S. K. SAMBANDHAN: Will the Hon. the Minister for Finance be pleased to state—

(a) the method adopted for preparation of electoral rolls for Teachers' Constituencies in the State;

(b) whether the Government are aware of the omission of a large number of electors in the electoral rolls prepared for Teachers' Constituencies for the biennial elections in April, 1962; and

(c) if so, the steps taken or proposed to be taken to avoid such recurrences?

THE HON. SRI M. BHAKTAVATSALAM: (a) Under the rules, the draft electoral rolls of the Madras Legislative Council Teachers' Constituencies are prepared every year on the basis of applications received from the eligible persons with reference to the qualifying date, namely, the 1st November, in response to the public notice issued by the Electoral Registration Officer of each Constituency by the 1st October and which is published in his office and in all subordinate offices calling upon every person entitled to be registered in the roll to send the application in the prescribed form before the 7th November. The notices are also required to be published in two newspapers having circulation in the constituency. The notices issued for the preparation of the electoral rolls used for the biennial elections in 1962 were published

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in a consolidated form twice in each of the three leading newspapers in this State, viz., the Hindu, the Mail and the Indian Express. Wide publicity was given drawing attention to these notices. Instructions were also issued to the Electoral Registration Officers to contact the Heads of institutions and obtain lists of eligible persons and act upon those lists after due verification. After the draft roll is prepared, it is published and time is given for a period of 15 days for the filing of claims and objections.

(b) & (c) If the names of some persons were omitted from the rolls, it might be due to the fact that the concerned persons did not care to send their applications for inclusion of their names in the draft roll or later during the period allowed for the filing of claims and that the Heads of Institutions did not respond to the action taken for obtaining the lists of eligible persons. The electoral rolls can be perfect only when all the voters take interest and apply for inclusion of their names in the rolls.

SRI G. KRISHNAMOORTHY : May I know whether the Education Department was asked to co-operate with the Revenue Department in the preparation of the electoral rolls?

THE HON. SRI M. BHAKTAVATSALAM : There is no question of one department co-operating with another department. I have already stated that instructions were issued by the Registration Officers to the Heads of Departments to contact the heads of institutions to seek their co-operation in getting exhaustive lists.

SRI K. ANBAZHAGAN : தலைவர் அவர்களே, புதிய ஆசிரியர்களை வாக்காளர்களாகச் சேர்த்துக்கொள்ளவேண்டிய கட்டத்தில் ஏற்கனவே வாக்காளராக இருந்த ஆசிரியர்கள் பட்டியலில் இருந்து அறவே நீக்கப்பட்டதற்குக் காரணம் என்ன?

THE HON. SRI M. BHAKTAVATSALAM : எதற்காக நீக்கப் பட்டது என்று நான் காரணம் சொல்ல முடியாது. நீக்கப்பட்டிருந்தால் அவர்கள் விழிப்புடன் இருந்து நீக்கப்பட்டது தவறு என்று ஆட்சேபம் தெரிவித்திருக்கவேண்டும்.

SRI K. ANBAZHAGAN : தலைவர் அவர்களே, பழைய பட்டியலிலிருந்த பெயர்கள் தனித்தனிப் பெயர்களாக விடப்படவில்லை. பழைய பட்டியலே ஒதுக்கப்பட்டு, புதிய பட்டியல் தயாரிக்கப்பட்டுள்ளது. பழைய பட்டியல் ஒதுக்கப்பட்டதற்கு என்ன காரணம்?

THE HON. SRI M. BHAKTAVATSALAM : உப தேர்தலின் போது அப்படி செய்வதில்லை. சில பேர்கள் சேர்ப்பது, எடுப்பது என்று உண்டு. புதுத்தேர்தலின்போது எல்லாவற்றையும் நீக்கிப் புதிதாகச் சேகரிக்கிறார்கள். அப்படிச் சேர்ப்பதில் எல்லோரையும் சேர்த்துக்கொள்ளவேண்டும்.

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DR. A. CHIDAMBARANATHAN : ஐயா, தொகுதிகளை மாற்றி நிர்ணயம் செய்ததால் திரும்பவும் எல்லோரும் புதிதாகச் சேர்த்துக்கொள்ளப்படவேண்டுமென்று அரசாங்கம் கட்டளை பிறப்பித்திருப்பது மெய்தானா?

THE HON. SRI M. BHAKTAVATSALAM : பொதுத் தேர்தலில் இந்த மாதிரி **Delimitation** இருந்தாலும்கூட அந்தந்தத் தாலுக்காவிலுள்ள ஆசிரியர்களை தொகுதி மாற்றுவதால் மட்டும் இந்த மாதிரிப் புதிதாகச் சேர்க்கவேண்டிய அவசியமில்லை என்று நினைக்கிறேன்.

SRI T. P. SRINIVASAVARADAN : Generally the Registration Officer used to send forms to the heads of institutions and get the names of eligible voters. This time they did not co-operate in furnishing the list of eligible voters. Are the Government aware of this?

THE HON. SRI M. BHAKTAVATSALAM : My attention has not been drawn to that. Apart from the Registration Officers contacting the heads of institutions and the heads of institutions taking interest in it, the prospective candidates should also have taken interest.

SRI M. RAJAH IYER : While the question relates to the error of omission of certain teachers' names in the list, may I bring to the attention of the Government that there is also an error of commission? Very many teachers just coming out of the training school surprisingly enough found their names in the electoral rolls. May I request the Government to insist upon the certificate of valid service before inclusion of the teachers' names in the rolls?

THE HON. SRI M. BHAKTAVATSALAM : Voters are to be enrolled according to the provisions in the law. If people who are not entitled to be voters are put in, others should be vigilant and take objection in time to the inclusion of such names.

SRI S. K. SAMBANDHAN : From the replies of the Hon. Minister, are we to take it that the rolls are to be prepared afresh every two years?

THE HON. SRI M. BHAKTAVATSALAM : I did not say so, Sir.

SRI K. ANBAZHAGAN : தலைவர் அவர்களே, மூன்று ஆண்டுகளுக்கு மேலாக ஆசிரியர்களாக இருப்பவர்கள் மட்டும் நான் வாக்காளர்களாக இருக்கலாமென்ற முறை இருக்கிற காரணத்தால், மூன்று ஆண்டுகளுக்கு மேல் ஆசிரியர்களாக இருப்பவர்கள் பட்டியலைக் கல்வித்துறை இலாகா, வாக்காளர் பட்டியல் தயாரிக்கும் இலாகாவுக்கு அனுப்ப இயலாதா?

THE HON. SRI M. BHAKTAVATSALAM : அதற்குத்தான் அந்தந்தக் கல்வி ஸ்தாபனங்களில் இருக்கும் தலைவர்கள் இதில் ஒத்துழைக்கவேண்டுமென்று கோரப்படுகிறது. அந்தக் கல்வி

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ஸ்தாபனங்களுடைய தலைவர்கள் இதைப் பார்த்து என்னென்ன பெயர்கள் சேர்க்க வேண்டுமோ அதை ரிஜிஸ்ட்ரேஷன் ஆபீசரிடம் கொடுத்தால், ஓட்டர்களாக உரிமை உள்ளவர்களை எல்லாம் அவர் சேர்க்கமுடியும்.

SRI S. K. SAMBANDHAN : Will the Hon. Minister be pleased to tell us, Sir, the reasons for omitting the present electoral rolls and preparing new ones for the biennial elections in 1962?

THE HON. SRI M. BHAKTAVATSALAM : I would like to have notice, Sir.

SRI M. RAJAH IYER : Sir, will the Hon. Minister be pleased to take steps to enfranchise all the elementary school teachers also and include their names in the electoral rolls?

THE HON. SRI M. BHAKTAVATSALAM : It is a question of applying the existing law. There is no proposal before the Government to amend that law.

Construction of pandals

* 53 Q.—**DR. A. SREENIVASAN :** Will the Hon. the Minister for Health be pleased to state—

(a) whether there is any proposal to ban the issue of licences for the construction of pandals with combustible materials for use as places of public resort and entertainments in crowded localities in the City and towns; and

(b) if so, the stage at which the matter now stands?

THE HON. SRIMATHI JOTHI VENCATACHELLUM : (a) No, Sir.

(b) Does not arise.

DR. A. SREENIVASAN : Sir, is it the intention of the Government that people who reside near the pandals should take courage in both their hands to construct houses nearby and undergo the risk incumbent on such a thing?

THE HON. SRIMATHI JOTHI VENCATACHELLUM : No, Sir. There is no such thing.

DR. A. SREENIVASAN : Will the Government at least consider the desirability of asking people who want to construct pandals not to use combustible materials, and in case they have to use combustible materials to have those combustible materials treated by chemical processes to prevent combustion?

DEPUTY CHAIRMAN :— It is only a suggestion and not a question.

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Co-operative Societies

* 54 Q.—DR. A. SREENIVASAN : Will the Hon. the Minister for Co-operation be pleased to state—

(a) whether the Government nominate any person to any executive committee or any other committee of the Co-operative Societies;

(b) if so, the class of co-operative societies in respect of which nominations are made; and

(c) the criteria on which such nominations are made?

THE HON. SRI N. NALLASENAPATHI SARKARAI MAN-RADIAR : (a) Yes, Sir.

(b) (i) State Co-operative Bank.

(ii) District Co-operative Central Banks.

(iii) Primary Co-operative Agricultural Banks which have taken share capital assistance from Government.

(iv) Co-operative Marketing Societies at all levels.

(v) Co-operative Sugar Mills.

(vi) Madras Central Land Mortgage Banks and

(vii) Madras Co-operative Central House Mortgage Bank.

(c) According to the rules framed under the Madras Co-operative Societies Act, 1932, where the State Government have given financial or other assistance to a registered society, they may make nominations to the committee of such society up to one third of the number of members of committee. The officials nominated as Government representatives are usually those connected with the working of the societies concerned. In the case of primary Agricultural Banks and District Co-operative Supply and Marketing Societies, Government are also nominating non-officials who are likely to take an active interest in the working of these societies.

DR. A. SREENIVASAN : Sir, it is a fact that in certain cases where nominations have been made to these bodies, there are people who owe large sums of money to many of these co-operative societies themselves? In that case, will they be competent to be nominated by the Government for serving on the Executive Committee of these Co-operative Banks?

THE HON. SRI N. NALLASENAPATHI SARKARAI MAN-RADIAR : Notice, Sir.

Mount Road

* 55 Q.—DR. A. SREENIVASAN : Will the Hon. the Minister for Municipal Administration be pleased to state—

(a) whether there is any proposal to widen the Mount Road; and

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(b) if so, the length of the road so widened and the points between which it has been widened?

THE HON. SRI S. M. A. MAJID : (a) & (b) Yes. Improvement works in Mount Road have been taken up commencing from Round Tana to T.V.S. premises in the first instance and the carriage way has been widened to 100 feet leaving about 8 to 10 feet for foot path on either side. The length of Mount Road widened is about 5,700 feet from Round Tana to T.V.S. premises.

DR. A. SREENIVASAN : Sir, what is the amount involved in carrying out this scheme, and who paid the expenditure?

THE HON. SRI S. M. A. MAJID : There are three stages. One is from Round Tana to T.V.S. premises, the second stage is from T.V.S. premises to Gemini, and the third is from Gemini to the City limit.

DR. A. SREENIVASAN : What was the reason for widening the road and what was the provocation for it, I would like to know.

DR. A. SREENIVASAN : Is it a fact, Sir, that this introduction of the six-lane traffic has really retarded traffic instead of augmenting it?

THE HON. SRI S. M. A. MAJID : No, Sir.

DR. A. SREENIVASAN : Is it a fact that motorists are compelled to halt at the sign posts irrespective of the fact whether there is traffic in the side roads or not?

THE HON. SRI S. M. A. MAJID : I do not think so, Sir.

Property tax

* 56 Q.—SRI S. K. SAMBANDHAN : Will the Hon. the Minister for Municipal Administration be pleased to state—

(a) whether any instructions have been issued to the Municipalities in the State to enhance the property tax; and

(b) if so, the extent of such enhancement?

THE HON. SRI S. M. A. MAJID : (a) No, Sir.

(b) Does not arise.

DEPUTY CHAIRMAN : Questions are over.

[Note.—An asterisk (*) at the commencement of a speech indicates revision by the Member.]

II—CALLING ATTENTION TO THE SUFFERING OF THE HANDLOOM WEAVERS AND MASTER WEAVERS DUE TO NON- AVAILABILITY OF YARN AND THE INFLATED PRICES OF THE SAME.

SRI S. K. SAMBANDHAN : Sir, under 42 of the Council Rules, I wish to call the attention of the Hon. the Minister for Industries to a matter of urgent public importance, namely, the action of the spinning mill owners of the State in changing over to the spinning of 42s and 44s counts to circumvent the price fixation for 40s counts and their making cone and cheese yarn in the place of hanks to circumvent the distribution of the same and the consequent suffering of the handloom weavers and master weavers

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due to non-availability of yarn and the inflated prices of the same which hit very much of export of handloom fabrics to foreign countries and to other States within India.

The high cost of yarn and also the non-availability of quality yarn hits hard the competitive capacity of the handloom fabrics in foreign countries, which may in due course, if allowed to continue like this, throw thousands of handloom weavers out of employment, besides our losing the foreign markets for the handloom goods, in the export of which only our State leads. I request the Government to do the needful immediately.

THE HON. SRI R. VENKATARAMAN : Sir, 42s and 44s are odd counts of cotton yarn produced normally in very limited quantities for special purposes. 42s is not released for general consumption but is consumed by the composite mills. 44s count is generally used by the powerlooms on cones. Out of 118 mills of the Southern India Mill Owners' Association, only 11 mills spin 42s and 44s. The quantity spun in these two counts accounts only for 1.4 per cent in the case of 42s and 0.9 per cent in the case of 44s of the total production of the members of the Association. It is understood that the production of 42s increased slightly in recent months and the production of 44s a little more, in both cases at the expense of the output of 40 counts. One reason ascribed for this change-over is the recent increase in the prices of forty-fours (in cones) consumed by the powerlooms. It is true that by this change-over, the spinning mills can circumvent a price regulation which now applies only to the counts up to 40. But this tendency is conditioned by several limiting factors which on the whole will make it not worthwhile for the mills 'to go finer' merely to circumvent price control. By and large, there has been no serious threat to the handloom industry by the change-over of a few mills to 42s and 44s because—

(1) even the increased production of these two counts constitutes only a negligible proportion of the total yarn production of the mills in South India;

(2) the agreement between the mill-owners and the handloom industry reached in the conference recently held at Coimbatore on 30th April 1962 at my instance will ensure adequate supplies of counts 40 and below at regulated prices and of higher counts, 60 and above, at the prevailing ex-mill rates

III.— GOVERNMENT MOTIONS.

(1) ASSOCIATION OF FIVE MEMBERS WITH THE COMMITTEE ON PUBLIC ACCOUNTS OF THE LEGISLATIVE ASSEMBLY.

THE HON. SRI R. VENKATARAMAN : Sir, I move—

“ That this House nominates the following five members to associate with the Committee on Public Accounts of the Legislative Assembly for the year 1962-63 :

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Sri M. Seshachariar.
Sri P. Sivasankara Mehta.
Sri T. Dorairaj.
Sri M. Subbiah Chettiar.
Sri L. S. Karayalar."

DEPUTY CHAIRMAN : The question is—

" That this House nominates the following five members to associate with the Committee on Public Accounts of the Legislative Assembly for the year 1962-63 :

Sri M. Seshachariar.
Sri P. Sivasankara Mehta.
Sri T. Dorairaj.
Sri M. Subbiah Chettiar.
Sri L. S. Karayalar."

The motion was put and carried.

(2) ASSOCIATION OF FIVE MEMBERS WITH THE COMMITTEE ON
ESTIMATES OF THE LEGISLATIVE ASSEMBLY.

THE HON. SRI R. VENKATARAMAN : Sir, I move—

" That this House nominates the following five members to associate with the Committee on Estimates of the Legislative Assembly for the year 1962-63 :

Vidwan T. Muthukannappan.
Sri A. Subramanyan.
Sri K. Anbazhagan.
Dr. A. Chidambaranathan.
Sri A. Chidambara Mudaliar "

DEPUTY CHAIRMAN : The question is—

' That this House nominates the following five members to associate with the Committee on Public Accounts of the Legislative Assembly for the year 1962-63 :

Vidwan T. Muthukannappan.
Sri A. Subramanyam.
Sri K. Anbazhagan.
Dr. A. Chidambaranathan.
Sri A. Chidambara Mudaliar.'

The motion was put and carried.

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p.m.

IV.—GOVERNMENT BILLS.

(1) THE MADRAS IRUVARAM INAM ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI) BILL, 1962 (L.A. BILL NO 2 OF 1962).

(2) THE MADRAS MINOR INAMS (ABOLITION AND CONVERSION INTO RYOTWARI) BILL, 1962 (L.A. BILL NO. 3 OF 1962).

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(3) THE MADRAS LEASEHOLDS (ABOLITION AND CONVERSION INTO RYOTWARI) BILL, 1962 (L.A. BILL NO. 4 OF 1962).

* THE HON. SRI R. VENKATARAMAN : Sir, with your permission, I will move all the three motions together inasmuch as all the three bills are going to be considered by the Joint Select Committees, the Members of which are the same. I beg to move :

(1) ' That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 21 Members (14 Members of the Assembly and seven Members of the Council) and the mover of the Bill, to consider the Madras Iruvaram Inam Estates (Abolition and Conversion into Ryotwari) Bill, 1962 (L.A. Bill No. 2 of 1962) and that the following Members of this House be selected to serve on such a Joint Select Committee;

(2) ' That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 21 Members (14 Members of the Assembly and seven Members of the Council) and the mover of the Bill to consider the Madras Minor Inams (Abolition and Conversion into Ryotwari) Bill, 1962 (L.A. Bill No. 3 of 1962) and that the following Members of this House be selected to serve on such a Joint Select Committee;

(3) ' That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 21 Members (14 Members of the Assembly and seven Members of the Council) and the mover of the Bill to consider the Madras Leaseholds (Abolition and Conversion into Ryotwari) Bill, 1962 (L.A. Bill No. 4 of 1962) and that the following Members of this House be selected to serve on such a Joint Select Committee;

The Members on the Joint Select Committee for these three Bills are.:

Sri K. Balasubramanya Ayyangar.

Sri K. Anbazhagan.

Sri S. Jayarama Reddiar.

Sri J. Ponnuswamy Villavarayar.

Sri T. V. Devaraja Mudaliar.

Dr. P. V. Rajamannar.

Sri K. Rajaram Naidu.'

Mr. Deputy Chairman. Sir, hon. Members of this House are aware that the land tenures in this State have had a chequered history spread over several centuries. After the advent of the British, it was found that the British Government wanted to retain the existing tenures as they were and merely see to it that the revenues were collected properly. In certain areas under the permanent settlement, the zamindars were either recognized or created. In

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certain areas, the existing inams were recognized. Then inam grants were made to individuals for rendering service either to a religious or charitable institution. So that, at the time we got our independence, we had several types of tenures prevalent in this country and in this State. When the country became independent, the Government thought that steps should be effectively taken to bring about a uniform land tenure by which there will be one owner of land holding a ryotwari patta having direct common relationship with the Government and that all types of intermediaries should be abolished.

Members who are not familiar with the system of land tenure in this State may, perhaps, excuse me for going into the history of it, if only to explain briefly what the systems were. When the grant under the permanent settlement was made, it was found that the occupier of the land was really the owner and that the grant was made only of the right to collection of rent and of contributing the peshkush to the Government. But some of the zamindars began to assert rights and title to the property itself and began to deal with them as if they were the owners of the land and that the cultivators in the soil had no right. The Madras Estates Land Act was, therefore, passed giving a right of occupancy to those who were in possession of the lands described as ryoti land and it was also declared that a ryoti land, if it was transferred to somebody else, still continued to retain the ryoti character giving the right of occupation with the heritable and transferable right to the person in occupancy as such, what we called the kudivaramdar, the occupancy tenant. The Estates Land Act also included in the definition of the estate these inam villages in which the grant of the melvaram, namely, the right merely to collect the rent has been granted to the inamdar. It was found that there were a number of other inams where the grant was both the melvaram as well as Kudivaram. As a result of the decision of the Privy Council which said there was no resumption in those cases and that inamdars had only the right to melvaram—the decision was in 1919—legislation became necessary. Until then it was presumed that the inamdar had naturally a right to collect melvaram. But the Privy Council decision said that there was no such presumption. After that decision was given, a number of inamdars began to take advantage of that decision and to resume possession of the lands in the hands of the cultivators. Since the tenant could not prove that he had a kudivaram right in those lands, a large amount of displacements began to take place. Agitation then started among the inam tenants that they were being deprived of their occupancy right, the kudivaram rights and that, therefore, Government should pass some enactment protecting their interests. The 1936 amendment was then passed under which inam grants of whole villages were treated as estates, that is, giving the right of kudivaram to those who were in occupation on the 30th April preceding the year in which the Bill was passed. These are inamdars who had both the rights and others who had

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only the melvaram rights and there were also inams of different kinds. When the Estates Abolition Act was discussed, there was a heated controversy whether the inams which were declared to be estates by virtue of the amendment of the Estates Land Act in 1936 should or should not be included in the category of estates and whether the law should be made applicable to them also. Government decided to exclude these inams from the purview of the Estates Act largely because thought that the compensation payable to the 1936 inams should be framed on a different footing from that of the compensation which is to be paid to the zamindars under the Estates Abolition Act. Since then, there has been a considerable volume of opinion that these inams also should be abolished, and they should be given only ryotwari patta. In pursuance of the policy of the Government to have only one system of land tenure, namely, ryotwari tenure, in the State, the Government have now come forward to abolish all the intermediaries in the 1936 inams, minor inams, and leasehold villages which number about ten or twelve in the State, and the Bill is, therefore, before the House. The pattern of the Bill also follows that of the Estates (Abolition and Conversion into Ryotwari) Act, 1948, in every respect, except in the matter of compensation. Under this Bill, a person who has got the kudivaram right will get a ryotwari patta as a ryotwari pattadar. A person who has got melvaram right will get compensation according to the schedule, which I am going to describe hereafter. There will be no other class than a ryotwari pattadar who will have direct relations with the Government. That is the main object of the three Bills before the House.

Since the main difference rests on the question of compensation, I shall briefly explain the compensation payable under each one of these three Bills. In respect of the iruvaram inam estates, what we formerly called the 1936 inams, compensation will be calculated with reference to a sum called the basic annual sum, which will be determined as follows. I will have to ask hon. Members to do some arithmetic here, because there will be a lot of additions and subtractions.

From the gross annual ryotwari demand in respect of the lands in the iruvaram inam estate for which any person other than the landholder is entitled to ryotwari patta, $3\frac{1}{3}$ per cent thereof will be deducted towards the cost of maintenance of irrigation works, if any. To the balance, the average net annual miscellaneous revenue derived from fisheries, quarries, etc., if any, in the estate, will be added. From the total, the jodi, quit-rent, kattubadi, etc., payable by the landholder to the Government or to the landholder of another estate, and the whole of the assessment levied under the Madras Inams (Assessment) Act, 1956, on the private lands and the ryoti lands held by the landholder, will be deducted. The balance will be the basic annual sum.

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In respect of estates other than those held by the religious, charitable, or educational institutions, compensation will be a multiple of the basic annual sum, as specified below :—

(i) where the basic annual sum does not exceed Rs. 1,000 thirty times such sum;

(ii) where the basic annual sum exceeds Rs. 1,000 but does not exceed Rs. 3,000, twenty-five times such sum or Rs. 30,000, whichever is greater;

(iii) where the basic annual sum exceeds Rs. 3,000 but does not exceed Rs. 20,000, twenty times such sum or Rs. 75,000, whichever is greater;

(iv) where the basic annual sum exceeds Rs. 20,000 but does not exceed Rs. 50,000, 17½ times such sum or Rs. 4,00,000, whichever is greater;

(v) where the basic annual sum exceeds Rs. 50,000 but does not exceed Rs. 1,00,000, 15 times such sum or Rs. 8,75,000, whichever is greater; and

(vi) where the basic annual sum exceeds Rs. 1,00,000, 12½ times such sum or Rs. 15,00,000, whichever is greater.

In the case of estates held by religious, educational or charitable institutions, the Government will pay to the institution, every year, the basic annual sum as tasdic allowance.

If there is any difference between the average net annual income derived by the institution from all sources in the iruvaram inam estate, as calculated in the prescribed manner, during five complete fasli years immediately preceding the fasli year 1357, and the income, as calculated in the prescribed manner, which the institution may be expected to receive from the lands in respect of which it is entitled to ryotwari patta, then the deficiency will be made good to the institution by the Government.

It may be mentioned that the determination of the basic annual sum is the same as for melvaram inam estates under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, except in one respect only. Since that Act was passed, the Madras Inams (Assessment) Act, 1956, came into force and under this Act all inam lands, except those covered by melvaram inams granted on service tenure, have become liable to pay the appropriate full ryotwari assessment. The private lands and the ryoti lands held by the landholders of iruvaram inam estates are now, therefore, liable to pay full ryotwari assessment. As this is a statutory liability, it was considered that it should also be an item of deduction in the calculation of the basic annual sum along with jodi, quit-rent, kattubadi, etc.

I shall now deal with minor inams granted to individuals without any condition to rendering service to any institution. As the Inams Assessment Act has made all inam lands, except those

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covered by melvaram inams granted on service tenure, liable to pay the appropriate full ryotwari assessment, all minor inams, other than those falling under the excepted category, have lost already the inam privilege of a favourable or complete exemption from assessment. I may explain this. In the past, an inamdar who had a melvaram right could collect Rs. 10 by way of rent. But in 1956, we passed a law saying that the melvaramdar can take only the ryotwari assessment on that land. Since the ryotwari assessment is deductible expenditure, being one which is payable to the Government, there is no difference between what he was getting before and the ryotwari assessment. Therefore, there will be no compensation, except in respect of other items like fisheries, quarries, etc., in the inam at 20 times the average net annual miscellaneous revenue.

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Then, I come to minor inams granted to religious, educational or charitable institutions or to individuals on condition of rendering service to any such institution. In cases where the inam consists of melvaram alone, the Government will give the institution an annual tasdic allowance equal to the fair rent in respect of the lands covered by the inam minus the quit-rent, jodi, kattubadi, cess and additional surcharge payable in respect of the inam. If the inam grant covers the kudivaram also, of course, ryotwari patta will be given to the institution for the lands, but as the melvaram right has already been extinguished under the Inams Assessment Act there is no question of compensating that right. If the institution had been deriving miscellaneous revenue from fisheries, quarries, etc., in the inam, it will be given an annual tasdic allowance equal to the average net annual miscellaneous revenue.

Then, there are the service inams granted to individuals. In the case of minor inams granted to an individual on condition of rendering service to any institution, the service-holder will be bound to continue to render service to the institution even after the abolition of the inam. For so long as he renders the service, the institution will pay to the service-holder the tasdic allowance received by it from the Government. If the service-holder fails to render the service, the prescribed officer will, after enquiry, declare that the tasdic allowance will be the absolute property of the institution. If the service-holder had also been given ryotwari patta for the lands, if any, comprised in the inam, the prescribed officer will also declare that the service-holder's right of occupancy in the lands will cease and determine and that the lands will be the absolute property of the institution. This is the specific provision for those who fail to render such service.

Then we have a few villages in this State in which leases have been granted by the Government. The lessee has no right either to increase or decrease the rent. All that he has got to do is to collect the rent and pay that to the Government and take the difference which has been prescribed by the Government. The

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leasehold villages are held on leases granted by the Government. Two of the villages have been granted on 99 years' lease, expiring in 1994 and 1999 and the other villages have been leased in perpetuity. The lessees in all these cases are private persons and not religious, educational or charitable institutions. The lessees cannot interfere with the communal lands and other porambokes. They are generally under obligation to keep tanks and other irrigation sources serving the village, in good repair, at their expense. They cannot enhance the rent on the land without the consent of the cultivating tenants but they are free to arrange for the cultivation of waste lands and to derive miscellaneous revenue from other sources in the villages. Generally, the ryots have permanent occupancy rights in their lands.

The compensation will be calculated with reference to a sum called the basic annual sum, which will be determined as follows :

From the gross annual rent demand in respect of the lands in the leasehold occupied by any person other than the lessee, 3-1/3 per cent thereof will be deducted towards the cost of maintenance of irrigation works. To the balance the average net annual miscellaneous revenue derived from fisheries, quarries, etc., if any, in the leasehold will be added. From the total, the whole of the amount payable per annum by the lessee to the Government will be deducted. The balance will be the basic annual sum. Compensation will be ten times the basic annual sum in the case of leases granted in perpetuity and five times the basic annual sum in other cases. I may mention here that the Bill introduced last year contained provisions for compensation on slab rates. But, in view of the recent Supreme Court judgment on the Kerala Agrarian Relations Act, the slab rates have been dropped and the present provisions substituted.

Sir, as the Bills are now going before the Joint Select Committee, I do not think it is necessary for me to go into greater detail in respect of the clauses of these Bills. The Bills will be subjected to very great and careful scrutiny by the Joint Select Committee which consists of eminent men.

I, therefore, commend the motions for the acceptance of the House.

DEPUTY CHAIRMAN : The motions are before the House for discussion.

SRI K. BALASUBRAMANYA AYYAR : Sir, I do not know how I should address the Chair whether as Chairman or Deputy Chairman. (The Hon. Sri R. Venkataraman :—Deputy Chairman.) Mr. Deputy Chairman, Sir, of course, I must say, as almost all the hon. Members of this House are aware, that I hold a conservative view in all these matters. Whether it is

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wrong or right, it is for the House to decide and it is for the public to decide. The zamindars were mostly rentiers and they were given permanent settlement on account of the fact that the British Government did not want to take the full responsibility for the collection of rents. They wanted to lease out the power of collection of rent to various persons and they were called zamindars. But so far as inams were concerned, these inams were granted for services rendered or for services to be continued to be rendered, and also as a recognition of the great talents and learning which they possessed and which they thought at that time to be useful to the general public. So it is that the British Government when it came to power surveyed the whole question. They appointed an Inam Commission in 1859 which went into the whole question and finally decided that they should confirm and recognize the inams. They carried always a favourable rent. Sometimes they were assignments of the land revenue. At that time the British Government felt that as they were given in consideration of past services or services to be rendered, these inams should be recognized. Therefore, they issued inam title deeds. It was in the year 1859. There were two kinds of inams, the enfranchised and the unenfranchised. In the case of the unenfranchised inams, the Government surrendered the power of resumption and imposed only a quit rent. I do not know whether this legislation deals with that distinction, the enfranchised and unenfranchised inams.

Under the 1936 legislation, some of these inam grantees had a right of kudivaram and also the melvaram and they were specially exempted from the 1948 legislation. One reason for exempting them was that a larger amount of compensation had to be paid for them based on different principles. Therefore it is that they were exempted. I should rather think that the Government felt at that time, especially when both the varams were given to the inamdars for consideration of services rendered or to be rendered, that they should not try to convert these inams also into ryotwari. It was a general proposition. Therefore, at that time a special provision was made to leave all these 1936 inams out of the purview of the 1948 legislation. Now the Government of Madras think that on account of their policy of abolishing all intermediaries between the Government and the tenants, these also should be abolished. This is a policy, which I should say is not commendable to me because by this we will only be converting the Government into a superior landlord or landholder. This is what some political thinkers call Statism, the whole of the control being entirely in the hands of the Government and the destinies of the peasant proprietors kept entirely in the hands of the Government.

SRI A. GAJAPATHY NAYAGAR : It is not Statism; it is major domain.

SRI K. BALASUBRAMANYA AYYAR : Whatever opinion the hon. Member may have, he is entitled to state it in his turn. But if he had read any book on political science, he would see

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stated therein that this is called Statism. He might or might not agree with what is stated in those books. The hon. Member himself is a very good writer. But I leave the matter here for the House to decide.

I am only stating the principle and I am repeating it that it is Statism wherever the State begins to take full control of the whole thing. That is what the Government's policy amounts to. But, on the other hand, I would commend for the consideration of the House and the Joint Select Committee that it would be better to have proprietors of lands and to deal with them in the best way possible so that they might encourage cultivation and production also. Of course, the proprietors should be helped to enable them to carry on production intensively instead of the Government saying that the State should be responsible for the supply of fertilizers, pumpsets and for ever so many things and the State should have control over whatever the landlords were doing before. As it is, the State must be doing everything now. It is a task which, I think, cannot be satisfactorily done by the State. That is the viewpoint I want to put forth before the House. On the floor of this House discussions took place about the unsatisfactory way in which the distribution of fertilizers was done and how pumpsets were distributed. The hon. Member Sri Anbazhagan referred to pumpsets and how repairs were not carried out in proper time. Therefore, if the State takes entire control of the whole thing, makes itself responsible for helping the ryots in all possible ways from the supply of fertilizers, pumpsets and so on, naturally you will find that it is not able to discharge its responsibilities satisfactorily—as satisfactorily as it ought to. It also gives large power, much larger power to the State than is absolutely necessary under democracy. Therefore it is I say that on these two grounds the abolition of these inams is not a good agricultural policy. Experience has shown us on very many occasions that if you entrust a work to other people, they might do it satisfactorily at times, but very often they do it wrongly or unsatisfactorily. The State works only through its officers and there may be difficulties in the officer doing the work satisfactorily. Everywhere there is abuse of power and unsatisfactory way of doing things. On that ground you cannot say you will abolish all these inams. Therefore, I feel that this policy of abolishing all intermediaries by these three Bills of land reforms, and having only the State and the landholder, is not a satisfactory policy, especially for the agricultural economy of our country. Anyhow, we are in modern times, and things are fast changing. Changing views are being expressed. Let us wait and see whether all these policies will be satisfactory and will be productive of agricultural economy in the State.

The question of compensation is a very difficult matter. Let us be careful. We will consider it when the appropriate time comes. We have got the Supreme Court judgment on the Kerala Agrarian

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Relations Bill. The Joint Select Committee will have to look into the judgment to see how the decision of the Supreme Court bears upon these three Bills. The Joint Select Committee will have to do this. I do not want to embark upon this at this stage. Only on general principles I wanted to speak at this time.

SRI K. ANBAZHAGAN : சட்டமன்றத் துணைத் தலைவர் அவர்களே, அமைச்சர் அவர்கள் இந்த அவையின்மூலமாக கொண்டுவந்துள்ள இந்த இனாம்தாரி ஒழிப்பு மசோதாவை நான் முழு மனதுடன் வரவேற்கவேண்டியே நிற்கின்றேன்.

ஒருசிலர் நினைப்பது போன்று இனாம்தார்கள் ஒரு காலத்தில் பயனுள்ள பணியாற்றிவந்தார்கள் என்பதற்காக இந்தச் சிறப்புக்ளை அந்தக் காலத்தில் பெற்றிருந்தாலும்கூட, அவர்களுடைய பெருமையையும் அவர்கள் ஆற்றிய பணிகளையும் நினைந்து அவர்கள் நன்றி செலுத்த விரும்பினாலும்கூட, இன்றைக்கு அவர்கள் நிலச்சுவான்தார்களாக இருப்பதன் காரணமாக மற்றவர்கள் அதில் பணி ஆற்ற வேண்டிய நிலைமையில், அதில் உழைப்பவர்கள் அவர்களுக்குக் கட்டுப்பட்டவர்களாக, அவர்களிடத்தில் உதவி பெறவேண்டியவர்களாக, அவர்களிடம் வரி செலுத்தவேண்டியவர்களாக இருக்கும் அந்தநிலையில் இது சமுதாயத்துக்கு ஏற்றதல்ல என்ற காரணத்தால்தான் இந்த மசோதா இங்கே கொண்டுவரப் படுவது பயனுள்ள முறையில் நிறைவேற்றப்படவேண்டும் என்ற கருத்தால் இதை நான் வரவேற்கின்றேன். இதற்கு முன்பு ஜமீன் ஒழிப்புச் சட்டம் இந்த சட்ட மன்றத்தில் நிறைவேற்றப்பட்டிருக்கிறது. அது இங்கே விவாதிக்கப்பட்ட நேரத்தில், என்னைப் போன்றவர்கள் மக்கள் தரும் வரிப்பணத்தை எடுத்து குறிப்பாக ஜமீன்தார்களுக்கு நஷ்ட சட்டுத் தொகை கொடுப்பது பற்றி, மாறுபட்ட கருத்தை தெரிவித்திருக்கின்றோம். ஏனென்றால் ஜமீன்தார்களாக இருந்தவர்கள் பல ஆண்டுகளாக ஏழை எளியவர்களைக் கசக்கிப் பிழிந்து, வாட்டி வதைத்து தங்களுடைய சொந்த வாழ்வை வளப்படுத்திக்கொண்டவர்கள் ஆயிற்றே என்பதால் அவர்களுக்கு நஷ்ட ஈடு கொடுக்கின்றீர்களே ஏன்? என்று நாம் கேட்ட போது, “ஆமாம், அதற்கு என்ன செய்வது? சட்டம் அப்படி இருக்கிறது. நஷ்ட ஈட்டுத் தொகை கொடுக்காமல் நாம் எந்த நிலத்தையும் எடுத்துக்கொள்ள சட்டத்தில் இடமில்லை. எனவே அப்படிச் செய்ய வழி இல்லை வசதி இல்லை” என்று சொன்னார்கள்.

மறுபடியும் இப்போது பல ஆண்டுகள் கழித்து இனாம்தார் ஒழிப்பு என்ற இச்சட்டத்திலும் நஷ்ட ஈடு கொடுப்பதற்கு இசைந்து தெரிவித்தும் இருக்கின்றீர்கள். அந்த காலத்தில் மன்னர்கள் ஆண்ட மக்களாட்சியில்லாத அக்காலத்து அரசியல் ஏதாவது முக்கியமான பணியாற்றி இருக்கலாம். அல்லது ஏதாவது ஒரு தொழில் அந்தக் காலத்திற்கும், அன்று பரவி இருந்த கருத்துக்கும் ஏற்ற ஏதாவது ஒரு தொழில் புரிந்திருக்கலாம். அல்லது புலவராக இருந்தோ, பாணராக இருந்தோ,

[Sri K. Anbazhagan]

[7th May 1962]

அரண்மனையில் வைத்தியராக இருந்தோ பணியாற்றி அதற்கு வெகுமதியாக இந்த இனும் நிலங்களைப் பெற்றிருக்கலாம். அந்தக் காலத்தில் எந்தக் கடமையை நிறைவேற்றுவதற்காக இவை அவர்களுக்குக் கொடுக்கப்பட்டதோ அந்தக் கடமையை இன்று ஆற்றி வருகின்றார்களா என்றால் இல்லை என்றுதான் சொல்லவேண்டும். அன்று ஆற்றிய பணிக்கு அவ்வளவு நிலங்களை அரசு வாரி வழங்க இருந்தாலும் இன்று அதே பணிக்கு அரசாங்கம் இனும் நிலமாகக் கொடுப்பதாக இருந்தால் எவ்வளவு நிலம் கொடுக்கும் என்று ஒரு கணம் சிந்தித்துப் பார்த்தால் இன்றைக்கு அவர்களுக்கு நஷ்ட ஈட்டுத் தொகையாகக் கொடுக்கப் போவதாகச் சொல்லும் தொகை எவ்வளவு அதிகம் என்பது நன்கு புலப்படும். அமைச்சர் அவர்கள், இனும்தார்களுக்கு எப்படி எப்படி நஷ்ட ஈட்டுத் தொகை கொடுக்கப்படும் என்று தெரிவித்தபோது இது இனும்தார் ஒழிப்பா அல்லது இனும் ஒழிப்பு என்ற பெயரால் மக்களுடைய வரிப்பணத்திலிருந்து ஒரு பெரும் தொகையை அவர்களுக்கு கொடுத்து இன்னும் ஒரு புதிய வகுப்பினரை உண்டாக்க நினைக்கின்றதா அரசாங்கம் என்றுதான் எண்ணத் தோன்றுகின்றது. நஷ்ட ஈடு என்ற பெயரால் அவர்கள் இன்றையதினம் இந்த இக்கட்டான நிலைமையிலிருந்து தப்பித்துக்கொள்ளுகின்றார்கள் என்று கருதுகின்றேன். நொண்டி மாட்டை வண்டியில் கட்டிக் கொண்டு, போகவேண்டிய நிலைமையில் இருந்தவர்கள் திடீரென்று அந்த வண்டியிலிருந்து இறங்கி சைக்கிளில் போவதுபோல் ஒரு நிலைமைக்கு இன்று இந்த இனும்தார்கள் வசதி செய்யப்படுகின்றனர் என்றே நான் கருதுகின்றேன். இதுமாதிரி நஷ்ட ஈடு கொடுப்பது என்பது உண்மையிலேயே இனும்தார்களுக்கு பேருதவி செய்வதாகத்தான் அமையுமே தவிர, இது உண்மையான இனும் ஒழிப்பு ஆகாது என்பதைப் பணிவன்புடன் தெரிவித்துக்கொள்ள விரும்புகிறேன்.

இங்கு பேசிய எதிர்க்கட்சித் துணைத் தலைவர் அவர்கள் இதைக் கண்டிக்கும் முறையில் எடுத்துக்காட்டியது போல, காலம் மாறும் காரணத்தால் கருத்து மாறத்தான் செய்யும். கருத்து மாற்றம் நிகழும்போது கட்சிகளையும் தாண்டி பொது வழியில் கருத்து மாறத்தான் செய்யும். அப்போது உழைப்பவர்களுக்குத்தான் நிலம் சொந்தம் என்ற தத்துவம் ஏற்றுக்கொள்ளப்பட்டுத்தான் ஆக வேண்டும். அல்லது நிலத்துக்குச் சொந்தக்காரர்கள் நிலத்திற்குச் சென்று உழைத்தாக வேண்டும். இதில் எது சாத்தியம் என்று பார்த்தால் நிலத்தின் சொந்தக்காரர்கள் நிலத்துக்குப் போவது என்பதைவிட உழைப்பவர்களுக்குத்தான் நிலம் சொந்தம் என்ற நடைமுறை தான் கடைசியில் வெற்றிபெறும். எனவே எது உண்மையாக நீடித்த பயன் தருமோ அதற்குத் தக்கபடி நடந்து கொள்ளவேண்டிய பொறுப்பு இந்த அரசாங்கத்திற்கு இருக்கின்றது. எதிர்க்கட்சித் துணைத் தலைவர் அவர்கள் வருத்தப்படுவது போன்று இந்த சட்டம் பற்றி அதிகமாக வருத்தப்பட்ட நியாயம் இல்லை. காரணம் இதனை எல்லாம் எவ்வளவு காலம் தாழ்த்திக்

7th May 1962]

[K. Anbazhagan]

கொண்டு வரவேண்டுமோ அவ்வளவு காலம் தாழ்த்திக்கொண்டு வந்து அதன்மூலம் அந்த இனம்தார்களுக்கு எவ்வளவு வாய்ப்பும் வசதியும் ஏற்படுத்திக் கொடுக்கவேண்டுமோ அவ்வளவையும் செய்து கொடுத்திருக்கின்றார்கள் இந்த அரசாங்கத்தில் சென்ற ஹந்தாண்டு காலத்திலேயே இந்த மசோதா கொண்டுவந்து நிறைவேற்றப்பட்டிருக்கலாம். ஆனால் ஏனோ தெரியவில்லை இவ்வளவு காலம் தாழ்த்திக் கொண்டிருக்கின்றார்கள். காலத்துக்கு ஏற்ற கடன்மையைப் பின்தங்கிச் செய்தபோதிலும், இது வரவேற்கத்தக்கதுதான். இதன்மூலம் நில உடமை முறையில் உண்மையான மாற்றம் ஏற்பட்டு இந்த நாட்டிலுள்ள உழவர்கள் ஓரளவுக்காவது பயன் காண முடியும் என்ற நிலை உருவாகும் என நம்புகிறேன். மேலும் இந்த சட்டத்தின் விவரங்களை ஆய்வுக்குழு ஆராய இருக்கும் காரணத்தால் இதுபற்றி அதிகமாகக் குறிப்பிடாமல், நஷ்ட ஈடு கொடுக்கும் முறைகள் வகுக்கப்படும்போது அவை சீராகக் கணக்கிடப்பட்டு இந்தச் சட்டம் நல்ல முறையில் அமுலாக்கப்பட வேண்டும் என்று வேண்டிக்கொண்டு எனது உரையை முடித்துக்கொள்ளுகின்றேன்.

* THE HON. SRI R. VENKATARAMAN : கனம் துணைத் தலைவர் அவர்களே, இந்த விவாதத்திற்கு பதில் அளிக்கும் முறையில் இரண்டொரு வார்த்தைகளைத்தான் சொல்ல விரும்புகின்றேன்.

இன்றைக்கு இந்த மசோதாவில் கண்டுள்ளபடி இனம்தாரியை ஒழித்து வாரம்தாருக்கு ரயத்வாரி பட்டா அளிப்பதால் எந்த விதத்திலும் அரசாங்கம் அதனால் லாபம் அடையவோ அல்லது தனது அதிகாரத்தை இன்னும் பலப்படுத்திக்கொள்ளவோ விரும்பவில்லை. இதனால் எந்தவிதமான சர்க்கார் அதிகாரமும் பலம் அடையவில்லை என்பதை தெரிவித்துக்கொள்ளுகின்றேன்.

குடி வாரம் உரிமை இருக்கின்றவர்களுக்கு பட்டா கொடுக்கப்படும். இனம்தார் மேல்வாரம், குடிவாரம் இரண்டும் வைத்து இருந்தாலும்கூட அவர்களுக்குக்கூட குடி வாரம் உரிமை இருக்கும் காரணத்தால், அவர்களுக்கும் பட்டா கொடுக்கப்படும். மேல்வாரம் மட்டும் வைத்துக்கொண்டு இருப்பவர்களுக்கு நஷ்ட ஈடு கொடுத்து இந்தக் குடிவாரம் இருக்கின்றவர்களுக்கு பட்டா உரிமை வழங்கப்படும். பட்டா உரிமை வழங்கப்பட்ட உடன், சாதாரணமாக சட்டத்தின் அடிப்படையில், அது அவர்களுடைய Full and absolute property என்றுதான் அர்த்தம். அப்படிப்பட்ட நிலையில் அவர்களிடம் சர்க்காருக்கு சட்ட பூர்வமாக நிர்ணயிக்கப்பட்ட நிலத்தீர்வை வாங்குகின்றதைத் தவிர வேறு அதிகாரம் கிடையாது. எனவே ரயத்வாரி-முறையில் Statism வளர்ந்துவிடும் என்று கனம் அங்கத்தினர் சொல்லுவது அவ்வளவு பொறுத்தமாக இல்லை. அடுத்தபடியாக, நஷ்ட ஈடு கொடுப்பது சம்மந்தமாக மரீ பாலசுப்பிரமணிய ஐயர் அவர்கள் சொல்லும்போது Agrarian Relations (Kerala) Act ன் பேரில் Supreme Court-ன் தீர்ப்பை யொட்டி இந்தப் பிரிசிலை செய்ய வேண்டும் என்று சொன்னார்கள். சர்க்கார் இன்றைக்கு அதைப்

[Sri R. Venkataraman]

[7th May 1962]

பரிசீலனை செய்திருக்கின்றது. நம்முடைய அரசியல் சட்டம் 31-A பிரிவின் கீழ் இந்தமாதிரி காரியங்களுக்கு இன்றைய சட்ட மன்றங்கள் தகுந்த முறையில் நஷ்ட சட்டுத் தொகையை நிர்ணயிக்கலாம் என்று இருக்கின்றது.

Lease hold Compensation - ஸ்லப் பொறுத்த வரையில் அவர்களுக்கு நாம் slab-rate போடாமல் ஒரே விகிதமாக Supreme Court -ன் தீர்ப்புக்கு ஏற்ற மாதிரி கொடுத்திருக்கின்றோம். அடுத்து, ஸ்ரீ அன்பழகன் அவர்கள் பேசும்போது இது காலம் தாழ்த்தி வந்தது என்று குறிப்பிட்டார்கள். இருநூறு ஆண்டுகளாக நம்முடைய நாட்டில் வளர்ந்து வந்த இந்த சமுதாயத்தில் ஏற்பட்ட பலவிதமான நிலவுடைமைகளை அவ்வளவு சுலபமாக யாரும் எடுத்து விடுவது இயலாத காரியம். எவ்வளவுக்கெவ்வளவு அவசரமாகச் சட்டம் செய்கிறோமோ, அவ்வளவுக்கவ்வளவு அதில் சிக்கலும், கோர்ட்டுத் தீர்ப்புகளும், அதை நடைமுறையில் நடத்தமுடியாதபடி சிக்கலும், பிரச்சனையும் வந்து விடும். எத்தனையோ ஆலோசனைகள் செய்துதான் நிலத்தைப்பற்றி நாம் ஏதாவது சட்டம் கொண்டுவர முடியும். இந்தச் சட்டத்தை இயற்ற முடியாமல்தான் வெள்ளைக் காரர்களும், இருந்ததை அப்படியே ஊர்ஜிதம் (Confirm) பண்ணி விட்டுப் போய் விட்டார்கள். ரயத்வாரி கொடுத்தால் எந்த அளவுக்குக் கொடுப்பது என்று புரியாமல், இருந்தபடியே இருக்கட்டும், இனம்தாரியாக இருந்தால் இருக்கட்டும், குடிவாரமாக இருந்தால் இருக்கட்டும் என்று அப்படியே ஊர்ஜிதம் செய்து தங்களுடைய ஆட்சி இருக்கிற வரையில் ஏதோ செய்து கொண்டிருந்தால் போதும் என்று செய்து விட்டுப் போய்விட்டார்கள்.

நிலச் சட்டத்தைச் செய்கிற போது, படிப்படியாகச் செய்ய வேண்டும். முதன் முதலில் இனம் நிலங்களுக்கு Rent Reduction செய்தோம். அதற்கு பிறகு Estate Abolition செய்தோம், Estate abolition செய்த பிறகு, இருவாரம் இனமில், மேல்வாரம் பகுதி அதிகமாகக் கொடுக்கிறவர்களுக்கு குறைத்தோம். ரயத்துவாரி நிலத்தில் என்ன கொடுக்கிறார்களோ, அது கொடுத்தால் போதும் என்று குறைத்தோம். அதற்குப் பிறகு, இனி இனம்தாரி முறையே வேண்டியதில்லை, எல்லோரும் ரயத்துவாரி பட்டாதாராக இருக்க வேண்டுமென்று சட்டம் கொண்டு வந்திருக்கிறோம். அதனால்தான் காலதாமதம் செய்ததாகச் சொல்வதற்கு இல்லை என்று கூறிக் கொள்ளுகிறேன். கனம் அங்கத்தினர்க் திரு. பால சுப்பிரமணிய ஐயர் சொன்னது போல, இதைக் கனம் அங்கத்தினர்கள் பரிசீலனை செய்து, செலக்ட் கமிட்டியில் அவர்களுடைய உயர்ந்த கருத்துக்களைக் கொடுக்க வேண்டுமென்று கேட்டுக் கொண்டு என்னுடைய உரையை முடிக்கிறேன்.

SRI A. K. THANGAVEL MUDALIAR : கனம் சட்டமன்ற துணைத் தலைவர் அவர்களே, கனம் அமைச்சர் அவர்களிடம் ஒரு சிறு விளக்கம் கேட்க விரும்புகிறேன். சுவாமிநாதருக்கு பட்டா போட்டுக் கொடுப்பதற்கு யார் பணம் கொடுப்பது, குடிவாரம் தரரா, கவர்ன்மெண்டா?

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THE HON. SRI R. VENKATARAMAN :

குடிவாரம்தார் பணம் கொடுக்க வேண்டாம்: நாம் போட்டிருக்கிற சட்டப்படி, குடிவாரம்தாருக்கு சர்க்கார் பட்டா போட்டுக் கொடுத்து விடும். பட்டா போட்டுக் கொடுத்தவுடன், ரயத்துவாரி முறையில் என்ன அவர்கள் கட்டுகிறார்களோ, அதைக் கட்டினால் போதும்.

SRI A. K. THANGAVEL MUDALIAR : கனம் சட்டமன்ற துணைத்தலைவர் அவர்களே, மேல்வாரம்தாருக்கு யார் பணம் கொடுப்பது என்று தெரிந்து கொள்ள விரும்புகிறேன்.

THE HON. SRI R. VENKATARAMAN : சர்க்கார் கொடுப்பார்கள்.

DEPUTY CHAIRMAN : The question is—

‘That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 21 Members (14 Members of the Assembly and seven Members of the Council) and the mover of the Bill, to consider the Madras Iruvaram Inam Estates (Abolition and Conversion into Ryotwari) Bill, 1962 (L.A. Bill No. 2 of 1962) and that the following Members of this House be selected to serve on such a Joint Select Committee—

Sri K. Balasubramanya Ayyar

Sri K. Anbazhagan.

Sri S. Jayarama Reddiar.

Sri J. Ponnuswamy Villavarayar.

Sri T. V. Devaraja Mudaliar.

Dr. P. V. Rajamannar.

Sri K. Rajaram Naidu.’

‘That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 21 Members (14 Members of the Assembly and seven Members of the Council) and the mover of the Bill, to consider the Madras Minor Inams (Abolition and Conversion into Ryotwari) Bill, 1962 (L.A. Bill No. 3 of 1962) and that the following Members of this House be selected to serve on such a Joint Select Committee—

Sri K. Balasubramanya Ayyar.

Sri K. Anbazhagan.

Sri S. Jayarama Reddiar.

Sri J. Ponnuswamy Villavarayar.

Sri T. V. Devaraja Mudaliar.

Dr. P. V. Rajamannar.

Sri K. Rajaram Naidu.’

[Deputy Chairman]

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That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 21 Members (14 Members of the Assembly and seven Members of the Council) and the mover of the Bill, to consider the Madras Leaseholds (Abolition and Conversion into Ryotwari) Bill, 1962 (L.A. Bill No. 4 of 1962) and that the following Members of this House be selected to serve on such a Joint Select Committee—

Sri K. Balasubramanya Ayyar.

Sri K. Anbazhagan.

Sri S. Jayarama Reddiar.

Sri J. Ponnuswamy Villavarayar.

Sri T. V. Devaraja Mudaliar.

Dr. P. V. Rajamannar.

Sri K. Rajaram Naidu.

The motions were put and carried.

(4) THE MADRAS BUILDINGS (LEASE AND RENT CONTROL) AMENDMENT BILL, 1962 (L.A. BILL NO. 5 OF 1962).

* THE HON. SRIMATHI JOTHI VENCATACHELLUM: Sir I move—

‘That the Madras Buildings (Lease and Rent Control) Amendment Bill*, 1962 (L.A. Bill No. 5, of 1962), as passed by the Assembly, be taken into consideration.’

Sir, section 30 of the Madras Buildings (Lease and Rent Control) Act, 1960 (Madras Act 18 of 1960), provides for exemption of the following categories of buildings—

(i) buildings, the construction of which has been completed and notified to the local authorities concerned after the date of the commencement of the Act, viz., 30th September 1960;

(ii) residential buildings, the rental value of which, as entered in the property-tax assessment book of the municipal council, district board, etc., exceeds two hundred and fifty rupees per mensem; and

(iii) non-residential buildings, the rental value of which, as entered in the property-tax assessment book of the municipal council, district board, etc., exceeds four hundred rupees per mensem.

This new section was introduced with a view to pave the way for gradual decontrol of the restrictions imposed on the letting of residential and non-residential buildings under the new Act. In actual working of the provisions, it was found that tenants occupying portions of houses or flats have suffered on account of the provisions in clauses (ii) and (iii) of the said section. It was brought to the notice of the Government that the landlords had been demanding exorbitant rents from the tenants and had been

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Sri M. Seshachariar.
Sri P. Sivasankara Mehta.
Sri T. Dorairaj.
Sri M. Subbiah Chettiar.
Sri L. S. Karayalar."

DEPUTY CHAIRMAN : The question is—

" That this House nominates the following five members to associate with the Committee on Public Accounts of the Legislative Assembly for the year 1962-63 :

Sri M. Seshachariar.
Sri P. Sivasankara Mehta.
Sri T. Dorairaj.
Sri M. Subbiah Chettiar.
Sri L. S. Karayalar."

The motion was put and carried.

(2) ASSOCIATION OF FIVE MEMBERS WITH THE COMMITTEE ON
ESTIMATES OF THE LEGISLATIVE ASSEMBLY.

THE HON. SRI R. VENKATARAMAN : Sir, I move—

" That this House nominates the following five members to associate with the Committee on Estimates of the Legislative Assembly for the year 1962-63 :

Vidwan T. Muthukannappan.
Sri A. Subramanyan.
Sri K. Anbazhagan.
Dr. A. Chidambaranathan.
Sri A. Chidambara Mudaliar "

DEPUTY CHAIRMAN : The question is—

" That this House nominates the following five members to associate with the Committee on Public Accounts of the Legislative Assembly for the year 1962-63 :

Vidwan T. Muthukannappan.
Sri A. Subramanyam.
Sri K. Anbazhagan.
Dr. A. Chidambaranathan.
Sri A. Chidambara Mudaliar."

The motion was put and carried.

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p.m.

IV.—GOVERNMENT BILLS.

(1) THE MADRAS IRUVARAM INAM ESTATES (ABOLITION AND CONVERSION INTO RYOTWARI) BILL, 1962 (L.A. BILL NO 2 OF 1962).

(2) THE MADRAS MINOR INAMS (ABOLITION AND CONVERSION INTO RYOTWARI) BILL, 1962 (L.A. BILL NO. 3 OF 1962).

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(3) THE MADRAS LEASEHOLDS (ABOLITION AND CONVERSION INTO RYOTWARI) BILL, 1962 (L.A. BILL NO. 4 OF 1962).

* THE HON. SRI R. VENKATARAMAN : Sir, with your permission, I will move all the three motions together inasmuch as all the three bills are going to be considered by the Joint Select Committees, the Members of which are the same. I beg to move :

(1) ' That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 21 Members (14 Members of the Assembly and seven Members of the Council) and the mover of the Bill, to consider the Madras Iruvaram Inam Estates (Abolition and Conversion into Ryotwari) Bill, 1962 (L.A. Bill No. 2 of 1962) and that the following Members of this House be selected to serve on such a Joint Select Committee;

(2) ' That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 21 Members (14 Members of the Assembly and seven Members of the Council) and the mover of the Bill to consider the Madras Minor Inams (Abolition and Conversion into Ryotwari) Bill, 1962 (L.A. Bill No. 3 of 1962) and that the following Members of this House be selected to serve on such a Joint Select Committee;

(3) ' That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 21 Members (14 Members of the Assembly and seven Members of the Council) and the mover of the Bill to consider the Madras Leaseholds (Abolition and Conversion into Ryotwari) Bill, 1962 (L.A. Bill No. 4 of 1962) and that the following Members of this House be selected to serve on such a Joint Select Committee;

The Members on the Joint Select Committee for these three Bills are :

Sri K. Balasubramanya Ayyangar.

Sri K. Anbazhagan.

Sri S. Jayarama Reddiar.

Sri J. Ponnuswamy Villavarayar.

Sri T. V. Devaraja Mudaliar.

Dr. P. V. Rajamannar.

Sri K. Rajaram Naidu.'

Mr. Deputy Chairman. Sir, hon. Members of this House are aware that the land tenures in this State have had a chequered history spread over several centuries. After the advent of the British, it was found that the British Government wanted to retain the existing tenures as they were and merely see to it that the revenues were collected properly. In certain areas under the permanent settlement, the zamindars were either recognized or created. In

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certain areas, the existing inams were recognized. Then inam grants were made to individuals for rendering service either to a religious or charitable institution. So that, at the time we got our independence, we had several types of tenures prevalent in this country and in this State. When the country became independent, the Government thought that steps should be effectively taken to bring about a uniform land tenure by which there will be one owner of land holding a ryotwari patta having direct common relationship with the Government and that all types of intermediaries should be abolished.

2-30
p.m.

Members who are not familiar with the system of land tenure in this State may, perhaps, excuse me for going into the history of it, if only to explain briefly what the systems were. When the grant under the permanent settlement was made, it was found that the occupier of the land was really the owner and that the grant was made only of the right to collection of rent and of contributing the peshkush to the Government. But some of the zamindars began to assert rights and title to the property itself and began to deal with them as if they were the owners of the land and that the cultivators in the soil had no right. The Madras Estates Land Act was, therefore, passed giving a right of occupancy to those who were in possession of the lands described as ryoti land and it was also declared that a ryoti land, if it was transferred to somebody else, still continued to retain the ryoti character giving the right of occupation with the heritable and transferable right to the person in occupancy as such, what we called the kudivaramdar, the occupancy tenant. The Estates Land Act also included in the definition of the estate these inam villages in which the grant of the melvaram, namely, the right merely to collect the rent has been granted to the inamdar. It was found that there were a number of other inams where the grant was both the melvaram as well as Kudivaram. As a result of the decision of the Privy Council which said there was no resumption in those cases and that inamdars had only the right to melvaram—the decision was in 1919—legislation became necessary. Until then it was presumed that the inamdar had naturally a right to collect melvaram. But the Privy Council decision said that there was no such presumption. After that decision was given, a number of inamdars began to take advantage of that decision and to resume possession of the lands in the hands of the cultivators. Since the tenant could not prove that he had a kudivaram right in those lands, a large amount of displacements began to take place. Agitation then started among the inam tenants that they were being deprived of their occupancy right, the kudivaram rights and that, therefore, Government should pass some enactment protecting their interests. The 1936 amendment was then passed under which inam grants of whole villages were treated as estates, that is, giving the right of kudivaram to those who were in occupation on the 30th April preceding the year in which the Bill was passed. These are inamdars who had both the rights and others who had

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only the melvaram rights and there were also inams of different kinds. When the Estates Abolition Act was discussed, there was a heated controversy whether the inams which were declared to be estates by virtue of the amendment of the Estates Land Act in 1936 should or should not be included in the category of estates and whether the law should be made applicable to them also. Government decided to exclude these inams from the purview of the Estates Act largely because thought that the compensation payable to the 1936 inams should be framed on a different footing from that of the compensation which is to be paid to the zamindars under the Estates Abolition Act. Since then, there has been a considerable volume of opinion that these inams also should be abolished, and they should be given only ryotwari patta. In pursuance of the policy of the Government to have only one system of land tenure, namely, ryotwari tenure, in the State, the Government have now come forward to abolish all the intermediaries in the 1936 inams, minor inams, and leasehold villages which number about ten or twelve in the State, and the Bill is, therefore, before the House. The pattern of the Bill also follows that of the Estates (Abolition and Conversion into Ryotwari) Act, 1948, in every respect, except in the matter of compensation. Under this Bill, a person who has got the kudivaram right will get a ryotwari patta as a ryotwari pattadar. A person who has got melvaram right will get compensation according to the schedule, which I am going to describe hereafter. There will be no other class than a ryotwari pattadar who will have direct relations with the Government. That is the main object of the three Bills before the House.

Since the main difference rests on the question of compensation, I shall briefly explain the compensation payable under each one of these three Bills. In respect of the iruvaram inam estates, what we formerly called the 1936 inams, compensation will be calculated with reference to a sum called the basic annual sum, which will be determined as follows. I will have to ask hon. Members to do some arithmetic here, because there will be a lot of additions and subtractions.

From the gross annual ryotwari demand in respect of the lands in the iruvaram inam estate for which any person other than the landholder is entitled to ryotwari patta, $3\frac{1}{3}$ per cent thereof will be deducted towards the cost of maintenance of irrigation works, if any. To the balance, the average net annual miscellaneous revenue derived from fisheries, quarries, etc., if any, in the estate, will be added. From the total, the jodi, quit-rent, kattubadi, etc., payable by the landholder to the Government or to the landholder of another estate, and the whole of the assessment levied under the Madras Inams (Assessment) Act, 1956, on the private lands and the ryoti lands held by the landholder, will be deducted. The balance will be the basic annual sum.

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In respect of estates other than those held by the religious, charitable, or educational institutions, compensation will be a multiple of the basic annual sum, as specified below :—

(i) where the basic annual sum does not exceed Rs. 1,000 thirty times such sum;

(ii) where the basic annual sum exceeds Rs. 1,000 but does not exceed Rs. 3,000, twenty-five times such sum or Rs. 30,000, whichever is greater;

(iii) where the basic annual sum exceeds Rs. 3,000 but does not exceed Rs. 20,000, twenty times such sum or Rs. 75,000, whichever is greater;

(iv) where the basic annual sum exceeds Rs. 20,000 but does not exceed Rs. 50,000, 17½ times such sum or Rs. 4,00,000, whichever is greater;

(v) where the basic annual sum exceeds Rs. 50,000 but does not exceed Rs. 1,00,000, 15 times such sum or Rs. 8,75,000, whichever is greater; and

(vi) where the basic annual sum exceeds Rs. 1,00,000, 12½ times such sum or Rs. 15,00,000, whichever is greater.

In the case of estates held by religious, educational or charitable institutions, the Government will pay to the institution, every year, the basic annual sum as tasdic allowance.

If there is any difference between the average net annual income derived by the institution from all sources in the iruvaram inam estate, as calculated in the prescribed manner, during five complete fasli years immediately preceding the fasli year 1357, and the income, as calculated in the prescribed manner, which the institution may be expected to receive from the lands in respect of which it is entitled to ryotwari patta, then the deficiency will be made good to the institution by the Government.

It may be mentioned that the determination of the basic annual sum is the same as for melvaram inam estates under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, except in one respect only. Since that Act was passed, the Madras Inams (Assessment) Act, 1956, came into force and under this Act all inam lands, except those covered by melvaram inams granted on service tenure, have become liable to pay the appropriate full ryotwari assessment. The private lands and the ryoti lands held by the landholders of iruvaram inam estates are now, therefore, liable to pay full ryotwari assessment. As this is a statutory liability, it was considered that it should also be an item of deduction in the calculation of the basic annual sum along with jodi, quit-rent, kattubadi, etc.

I shall now deal with minor inams granted to individuals without any condition to rendering service to any institution. As the Inams Assessment Act has made all inam lands, except those

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covered by melvaram inams granted on service tenure, liable to pay the appropriate full ryotwari assessment, all minor inams, other than those falling under the excepted category, have lost already the inam privilege of a favourable or complete exemption from assessment. I may explain this. In the past, an inamdar who had a melvaram right could collect Rs. 10 by way of rent. But in 1956, we passed a law saying that the melvaramdar can take only the ryotwari assessment on that land. Since the ryotwari assessment is deductible expenditure, being one which is payable to the Government, there is no difference between what he was getting before and the ryotwari assessment. Therefore, there will be no compensation, except in respect of other items like fisheries, quarries, etc., in the inam at 20 times the average net annual miscellaneous revenue.

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p.m.

Then, I come to minor inams granted to religious, educational or charitable institutions or to individuals on condition of rendering service to any such institution. In cases where the inam consists of melvaram alone, the Government will give the institution an annual tasdic allowance equal to the fair rent in respect of the lands covered by the inam minus the quit-rent, jodi, kattubadi, cess and additional surcharge payable in respect of the inam. If the inam grant covers the kudivaram also, of course, ryotwari patta will be given to the institution for the lands, but as the melvaram right has already been extinguished under the Inams Assessment Act there is no question of compensating that right. If the institution had been deriving miscellaneous revenue from fisheries, quarries, etc., in the inam, it will be given an annual tasdic allowance equal to the average net annual miscellaneous revenue.

Then, there are the service inams granted to individuals. In the case of minor inams granted to an individual on condition of rendering service to any institution, the service-holder will be bound to continue to render service to the institution even after the abolition of the inam. For so long as he renders the service, the institution will pay to the service-holder the tasdic allowance received by it from the Government. If the service-holder fails to render the service, the prescribed officer will, after enquiry, declare that the tasdic allowance will be the absolute property of the institution. If the service-holder had also been given ryotwari patta for the lands, if any, comprised in the inam, the prescribed officer will also declare that the service-holder's right of occupancy in the lands will cease and determine and that the lands will be the absolute property of the institution. This is the specific provision for those who fail to render such service.

Then we have a few villages in this State in which leases have been granted by the Government. The lessee has no right either to increase or decrease the rent. All that he has got to do is to collect the rent and pay that to the Government and take the difference which has been prescribed by the Government. The

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leasehold villages are held on leases granted by the Government. Two of the villages have been granted on 99 years' lease, expiring in 1994 and 1999 and the other villages have been leased in perpetuity. The lessees in all these cases are private persons and not religious, educational or charitable institutions. The lessees cannot interfere with the communal lands and other porambokes. They are generally under obligation to keep tanks and other irrigation sources serving the village, in good repair, at their expense. They cannot enhance the rent on the land without the consent of the cultivating tenants but they are free to arrange for the cultivation of waste lands and to derive miscellaneous revenue from other sources in the villages. Generally, the ryots have permanent occupancy rights in their lands.

The compensation will be calculated with reference to a sum called the basic annual sum, which will be determined as follows :

From the gross annual rent demand in respect of the lands in the leasehold occupied by any person other than the lessee, 3-1/3 per cent thereof will be deducted towards the cost of maintenance of irrigation works. To the balance the average net annual miscellaneous revenue derived from fisheries, quarries, etc., if any, in the leasehold will be added. From the total, the whole of the amount payable per annum by the lessee to the Government will be deducted. The balance will be the basic annual sum. Compensation will be ten times the basic annual sum in the case of leases granted in perpetuity and five times the basic annual sum in other cases. I may mention here that the Bill introduced last year contained provisions for compensation on slab rates. But, in view of the recent Supreme Court judgment on the Kerala Agrarian Relations Act, the slab rates have been dropped and the present provisions substituted.

Sir, as the Bills are now going before the Joint Select Committee, I do not think it is necessary for me to go into greater detail in respect of the clauses of these Bills. The Bills will be subjected to very great and careful scrutiny by the Joint Select Committee which consists of eminent men.

I, therefore, commend the motions for the acceptance of the House.

DEPUTY CHAIRMAN : The motions are before the House for discussion.

SRI K. BALASUBRAMANYA AYYAR : Sir, I do not know how I should address the Chair whether as Chairman or Deputy Chairman. (The Hon. Sri R. Venkataraman :—Deputy Chairman.) Mr. Deputy Chairman, Sir, of course, I must say, as almost all the hon. Members of this House are aware, that I hold a conservative view in all these matters. Whether it is

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wrong or right, it is for the House to decide and it is for the public to decide. The zamindars were mostly rentiers and they were given permanent settlement on account of the fact that the British Government did not want to take the full responsibility for the collection of rents. They wanted to lease out the power of collection of rent to various persons and they were called zamindars. But so far as inams were concerned, these inams were granted for services rendered or for services to be continued to be rendered, and also as a recognition of the great talents and learning which they possessed and which they thought at that time to be useful to the general public. So it is that the British Government when it came to power surveyed the whole question. They appointed an Inam Commission in 1859 which went into the whole question and finally decided that they should confirm and recognize the inams. They carried always a favourable rent. Sometimes they were assignments of the land revenue. At that time the British Government felt that as they were given in consideration of past services or services to be rendered, these inams should be recognized. Therefore, they issued inam title deeds. It was in the year 1859. There were two kinds of inams, the enfranchised and the unenfranchised. In the case of the unenfranchised inams, the Government surrendered the power of resumption and imposed only a quit rent. I do not know whether this legislation deals with that distinction, the enfranchised and unenfranchised inams.

Under the 1936 legislation, some of these inam grantees had a right of kudivaram and also the melvaram and they were specially exempted from the 1948 legislation. One reason for exempting them was that a larger amount of compensation had to be paid for them based on different principles. Therefore it is that they were exempted. I should rather think that the Government felt at that time, especially when both the varams were given to the inamdars for consideration of services rendered or to be rendered, that they should not try to convert these inams also into ryotwari. It was a general proposition. Therefore, at that time a special provision was made to leave all these 1936 inams out of the purview of the 1948 legislation. Now the Government of Madras think that on account of their policy of abolishing all intermediaries between the Government and the tenants, these also should be abolished. This is a policy, which I should say is not commendable to me because by this we will only be converting the Government into a superior landlord or landholder. This is what some political thinkers call Statism, the whole of the control being entirely in the hands of the Government and the destinies of the peasant proprietors kept entirely in the hands of the Government.

SRI A. GAJAPATHY NAYAGAR: It is not Statism; it is major domain.

SRI K. BALASUBRAMANYA AYYAR: Whatever opinion the hon. Member may have, he is entitled to state it in his turn. But if he had read any book on political science, he would see

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stated therein that this is called Statism. He might or might not agree with what is stated in those books. The hon. Member himself is a very good writer. But I leave the matter here for the House to decide.

I am only stating the principle and I am repeating it that it is Statism wherever the State begins to take full control of the whole thing. That is what the Government's policy amounts to. But, on the other hand, I would commend for the consideration of the House and the Joint Select Committee that it would be better to have proprietors of lands and to deal with them in the best way possible so that they might encourage cultivation and production also. Of course, the proprietors should be helped to enable them to carry on production intensively instead of the Government saying that the State should be responsible for the supply of fertilizers, pumpsets and for ever so many things and the State should have control over whatever the landlords were doing before. As it is, the State must be doing everything now. It is a task which, I think, cannot be satisfactorily done by the State. That is the viewpoint I want to put forth before the House. On the floor of this House discussions took place about the unsatisfactory way in which the distribution of fertilizers was done and how pumpsets were distributed. The hon. Member Sri Anbazhagan referred to pumpsets and how repairs were not carried out in proper time. Therefore, if the State takes entire control of the whole thing, makes itself responsible for helping the ryots in all possible ways from the supply of fertilizers, pumpsets and so on, naturally you will find that it is not able to discharge its responsibilities satisfactorily—as satisfactorily as it ought to. It also gives large power, much larger power to the State than is absolutely necessary under democracy. Therefore it is I say that on these two grounds the abolition of these inams is not a good agricultural policy. Experience has shown us on very many occasions that if you entrust a work to other people, they might do it satisfactorily at times, but very often they do it wrongly or unsatisfactorily. The State works only through its officers and there may be difficulties in the officer doing the work satisfactorily. Everywhere there is abuse of power and unsatisfactory way of doing things. On that ground you cannot say you will abolish all these inams. Therefore, I feel that this policy of abolishing all intermediaries by these three Bills of land reforms, and having only the State and the landholder, is not a satisfactory policy, especially for the agricultural economy of our country. Anyhow, we are in modern times, and things are fast changing. Changing views are being expressed. Let us wait and see whether all these policies will be satisfactory and will be productive of agricultural economy in the State.

The question of compensation is a very difficult matter. Let us be careful. We will consider it when the appropriate time comes. We have got the Supreme Court judgment on the Kerala Agrarian

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Relations Bill. The Joint Select Committee will have to look into the judgment to see how the decision of the Supreme Court bears upon these three Bills. The Joint Select Committee will have to do this. I do not want to embark upon this at this stage. Only on general principles I wanted to speak at this time.

SRI K. ANBAZHAGAN : சட்டமன்றத் துணைத் தலைவர் அவர்களே, அமைச்சர் அவர்கள் இந்த அவையின்மூலமாக கொண்டுவந்துள்ள இந்த இனாம்தாரி ஒழிப்பு மசோதாவை நான் முழு மனதுடன் வரவேற்கவேண்டியே நிற்கின்றேன்.

ஒருசிலர் நினைப்பது போன்று இனாம்தார்கள் ஒரு காலத்தில் பயனுள்ள பணியாற்றிவந்தார்கள் என்பதற்காக இந்தச் சிறப்புக்ளை அந்தக் காலத்தில் பெற்றிருந்தாலும்கூட, அவர்களுடைய பெருமையையும் அவர்கள் ஆற்றிய பணிகளையும் நினைந்து அவர்கள் நன்றி செலுத்த விரும்பினாலும்கூட, இன்றைக்கு அவர்கள் நிலச்சுவான்தார்களாக இருப்பதன் காரணமாக மற்றவர்கள் அதில் பணி ஆற்ற வேண்டிய நிலைமையில், அதில் உழைப்பவர்கள் அவர்களுக்குக் கட்டுப்பட்டவர்களாக, அவர்களிடத்தில் உதவி பெறவேண்டியவர்களாக, அவர்களிடம் வரி செலுத்தவேண்டியவர்களாக இருக்கும் அந்தநிலையில் இது சமுதாயத்துக்கு ஏற்றதல்ல என்ற காரணத்தால்தான் இந்த மசோதா இங்கே கொண்டுவரப்படுவது பயனுள்ள முறையில் நிறைவேற்றப்படவேண்டும் என்ற கருத்தால் இதை நான் வரவேற்கின்றேன். இதற்கு முன்பு ஜமீன் ஒழிப்புச் சட்டம் இந்த சட்ட மன்றத்தில் நிறைவேற்றப்பட்டிருக்கிறது. அது இங்கே விவாதிக்கப்பட்ட நேரத்தில், என்னைப் போன்றவர்கள் மக்கள் தரும் வரிப்பணத்தை எடுத்து குறிப்பாக ஜமீன்தார்களுக்கு நஷ்ட சட்டுத் தொகை கொடுப்பது பற்றி, மாறுபட்ட கருத்தை தெரிவித்திருக்கின்றோம். ஏனென்றால் ஜமீன்தார்களாக இருந்தவர்கள் பல ஆண்டுகளாக ஏழை எளியவர்களைக் கசக்கிப் பிழிந்து, வாட்டி வதைத்து தங்களுடைய சொந்த வாழ்வை வளப்படுத்திக்கொண்டவர்கள் ஆயிற்றே என்பதால் அவர்களுக்கு நஷ்ட ஈடு கொடுக்கின்றீர்களே ஏன்? என்று நாம் கேட்ட போது, “ஆமாம், அதற்கு என்ன செய்வது? சட்டம் அப்படி இருக்கிறது. நஷ்ட ஈட்டுத் தொகை கொடுக்காமல் நாம் எந்த நிலத்தையும் எடுத்துக்கொள்ள சட்டத்தில் இடமில்லை. எனவே அப்படிச் செய்ய வழி இல்லை வசதி இல்லை” என்று சொன்னார்கள்.

மறுபடியும் இப்போது பல ஆண்டுகள் கழித்து இனாம்தார் ஒழிப்பு என்ற இச்சட்டத்திலும் நஷ்ட ஈடு கொடுப்பதற்கு இசைந்து தெரிவித்தும் இருக்கின்றீர்கள். அந்த காலத்தில் மன்னர்கள் ஆண்ட மக்களாட்சியில்லாத அக்காலத்து அரசியல் ஏதாவது முக்கியமான பணியாற்றி இருக்கலாம். அல்லது ஏதாவது ஒரு தொழில் அந்தக் காலத்திற்கும், அன்று பரவி இருந்த கருத்துக்கும் ஏற்ற ஏதாவது ஒரு தொழில் புரிந்திருக்கலாம். அல்லது புலவராக இருந்தோ, பாணராக இருந்தோ,

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[7th May 1962]

அரண்மனையில் வைத்தியராக இருந்தோ பணியாற்றி அதற்கு வெகுமதியாக இந்த இனும் நிலங்களைப் பெற்றிருக்கலாம். அந்தக் காலத்தில் எந்தக் கடமையை நிறைவேற்றுவதற்காக இவை அவர்களுக்குக் கொடுக்கப்பட்டதோ அந்தக் கடமையை இன்று ஆற்றி வருகின்றார்களா என்றால் இல்லை என்றுதான் சொல்லவேண்டும். அன்று ஆற்றிய பணிக்கு அவ்வளவு நிலங்களை அரசு வாரி வழங்க இருந்தாலும் இன்று அதே பணிக்கு அரசாங்கம் இனும் நிலமாகக் கொடுப்பதாக இருந்தால் எவ்வளவு நிலம் கொடுக்கும் என்று ஒரு கணம் சிந்தித்துப் பார்த்தால் இன்றைக்கு அவர்களுக்கு நஷ்ட ஈட்டுத் தொகையாகக் கொடுக்கப் போவதாகச் சொல்லும் தொகை எவ்வளவு அதிகம் என்பது நன்கு புலப்படும். அமைச்சர் அவர்கள், இனும்தார்களுக்கு எப்படி எப்படி நஷ்ட ஈட்டுத் தொகை கொடுக்கப்படும் என்று தெரிவித்தபோது இது இனும்தார் ஒழிப்பா அல்லது இனும் ஒழிப்பு என்ற பெயரால் மக்களுடைய வரிப்பணத்திலிருந்து ஒரு பெரும் தொகையை அவர்களுக்கு கொடுத்து இன்னும் ஒரு புதிய வகுப்பினரை உண்டாக்க நினைக்கின்றதா அரசாங்கம் என்றுதான் எண்ணத் தோன்றுகின்றது. நஷ்ட ஈடு என்ற பெயரால் அவர்கள் இன்றையதினம் இந்த இக்கட்டான நிலைமையிலிருந்து தப்பித்துக்கொள்ளுகின்றார்கள் என்று கருதுகின்றேன். நொண்டி மாட்டை வண்டியில் கட்டிக் கொண்டு, போகவேண்டிய நிலைமையில் இருந்தவர்கள் திடீரென்று அந்த வண்டியிலிருந்து இறங்கி சைக்கிளில் போவதுபோல் ஒரு நிலைமைக்கு இன்று இந்த இனும்தார்கள் வசதி செய்யப்படுகின்றனர் என்றே நான் கருதுகின்றேன். இதுமாதிரி நஷ்ட ஈடு கொடுப்பது என்பது உண்மையிலேயே இனும்தார்களுக்கு பேருதவி செய்வதாகத்தான் அமையுமே தவிர, இது உண்மையான இனும் ஒழிப்பு ஆகாது என்பதைப் பணிவன்புடன் தெரிவித்துக்கொள்ள விரும்புகிறேன்.

இங்கு பேசிய எதிர்க்கட்சித் துணைத் தலைவர் அவர்கள் இதைக் கண்டிக்கும் முறையில் எடுத்துக்காட்டியது போல, காலம் மாறும் காரணத்தால் கருத்து மாறத்தான் செய்யும். கருத்து மாற்றம் நிகழும்போது கட்சிகளையும் தாண்டி பொது வழியில் கருத்து மாறத்தான் செய்யும். அப்போது உழைப்பவர்களுக்குத்தான் நிலம் சொந்தம் என்ற தத்துவம் ஏற்றுக்கொள்ளப்பட்டுத்தான் ஆக வேண்டும். அல்லது நிலத்துக்குச் சொந்தக்காரர்கள் நிலத்திற்குச் சென்று உழைத்தாக வேண்டும். இதில் எது சாத்தியம் என்று பார்த்தால் நிலத்தின் சொந்தக்காரர்கள் நிலத்துக்குப் போவது என்பதைவிட உழைப்பவர்களுக்குத்தான் நிலம் சொந்தம் என்ற நடைமுறை தான் கடைசியில் வெற்றிபெறும். எனவே எது உண்மையாக நீடித்த பயன் தருமோ அதற்குத் தக்கபடி நடந்து கொள்ளவேண்டிய பொறுப்பு இந்த அரசாங்கத்திற்கு இருக்கின்றது. எதிர்க்கட்சித் துணைத் தலைவர் அவர்கள் வருத்தப்படுவது போன்று இந்த சட்டம் பற்றி அதிகமாக வருத்தப்பட்ட நியாயம் இல்லை. காரணம் இதனை எல்லாம் எவ்வளவு காலம் தாழ்த்திக்

7th May 1962]

[K. Anbazhagan]

கொண்டு வரவேண்டுமோ அவ்வளவு காலம் தாழ்த்திக்கொண்டு வந்து அதன்மூலம் அந்த இனம்தார்களுக்கு எவ்வளவு வாய்ப்பும் வசதியும் ஏற்படுத்திக் கொடுக்கவேண்டுமோ அவ்வளவையும் செய்து கொடுத்திருக்கின்றார்கள் இந்த அரசாங்கத்தில் சென்ற ஹந்தாண்டு காலத்திலேயே இந்த மசோதா கொண்டுவந்து நிறைவேற்றப்பட்டிருக்கலாம். ஆனால் ஏனோ தெரியவில்லை இவ்வளவு காலம் தாழ்த்திக் கொண்டிருக்கின்றார்கள். காலத்துக்கு ஏற்ற கடன்மையைப் பின்தங்கிச் செய்தபோதிலும், இது வரவேற்கத்தக்கதுதான். இதன்மூலம் நில உடமை முறையில் உண்மையான மாற்றம் ஏற்பட்டு இந்த நாட்டிலுள்ள உழவர்கள் ஓரளவுக்காவது பயன் காண முடியும் என்ற நிலை உருவாகும் என நம்புகிறேன். மேலும் இந்த சட்டத்தின் விவரங்களை ஆய்வுக்குழு ஆராய இருக்கும் காரணத்தால் இதுபற்றி அதிகமாகக் குறிப்பிடாமல், நஷ்ட ஈடு கொடுக்கும் முறைகள் வகுக்கப்படும்போது அவை சீராகக் கணக்கிடப்பட்டு இந்தச் சட்டம் நல்ல முறையில் அமுலாக்கப்பட வேண்டும் என்று வேண்டிக்கொண்டு எனது உரையை முடித்துக்கொள்ளுகின்றேன்.

* THE HON. SRI R. VENKATARAMAN : கனம் துணைத் தலைவர் அவர்களே, இந்த விவாதத்திற்கு பதில் அளிக்கும் முறையில் இரண்டொரு வார்த்தைகளைத்தான் சொல்ல விரும்புகின்றேன்.

இன்றைக்கு இந்த மசோதாவில் கண்டுள்ளபடி இனம்தாரியை ஒழித்து வாரம்தாருக்கு ரயத்வாரி பட்டா அளிப்பதால் எந்த விதத்திலும் அரசாங்கம் அதனால் லாபம் அடையவோ அல்லது தனது அதிகாரத்தை இன்னும் பலப்படுத்திக்கொள்ளவோ விரும்ப வில்லை. இதனால் எந்தவிதமான சர்க்கார் அதிகாரமும் பலம் அடையவில்லை என்பதை தெரிவித்துக்கொள்ளுகின்றேன்.

குடி வாரம் உரிமை இருக்கின்றவர்களுக்கு பட்டா கொடுக்கப்படும். இனம்தார் மேல்வாரம், குடிவாரம் இரண்டும் வைத்து இருந்தாலும்கூட அவர்களுக்குக்கூட குடி வாரம் உரிமை இருக்கும் காரணத்தால், அவர்களுக்கும் பட்டா கொடுக்கப்படும். மேல் வாரம் மட்டும் வைத்துக்கொண்டு இருப்பவர்களுக்கு நஷ்ட ஈடு கொடுத்து இந்தக் குடிவாரம் இருக்கின்றவர்களுக்கு பட்டா உரிமை வழங்கப்படும். பட்டா உரிமை வழங்கப்பட்ட உடன், சாதாரணமாக சட்டத்தின் அடிப்படையில், அது அவர்களுடைய Full and absolute property என்றுதான் அர்த்தம். அப்படிப்பட்ட நிலையில் அவர்களிடம் சர்க்காருக்கு சட்ட பூர்வமாக நிர்ணயிக்கப்பட்ட நிலத்தீர்வை வாங்குகின்றதைத் தவிர வேறு அதிகாரம் கிடையாது. எனவே ரயத்வாரி-முறையில் Statism வளர்ந்துவிடும் என்று கனம் அங்கத்தினர் சொல்லுவது அவ்வளவு பொறுத்தமாக இல்லை. அடுத்தபடியாக, நஷ்ட ஈடு கொடுப்பது சம்மந்தமாக மரீ பாலசுப்பிரமணிய ஐயர் அவர்கள் சொல்லும்போது Agrarian Relations (Kerala) Act ன் பேரில் Supreme Court-ன் தீர்ப்பை யொட்டி இந்தப் பிரிசிலை செய்ய வேண்டும் என்று சொன்னார்கள். சர்க்கார் இன்றைக்கு அதைப்

[Sri R. Venkataraman]

[7th May 1962]

பரிசீலனை செய்திருக்கின்றது. நம்முடைய அரசியல் சட்டம் 31-A பிரிவின் கீழ் இந்தமாதிரி காரியங்களுக்கு இன்றைய சட்ட மன்றங்கள் தகுந்த முறையில் நஷ்ட சட்டுத் தொகையை நிர்ணயிக்கலாம் என்று இருக்கின்றது.

Lease hold Compensation - ஸ்லப் பொறுத்த வரையில் அவர்களுக்கு நாம் slab-rate போடாமல் ஒரே விகிதமாக Supreme Court -ன் தீர்ப்புக்கு ஏற்ற மாதிரி கொடுத்திருக்கின்றோம். அடுத்து, ஸ்ரீ அன்பழகன் அவர்கள் பேசும்போது இது காலம் தாழ்த்தி வந்தது என்று குறிப்பிட்டார்கள். இருநூறு ஆண்டுகளாக நம்முடைய நாட்டில் வளர்ந்து வந்த இந்த சமுதாயத்தில் ஏற்பட்ட பலவிதமான நிலவுடைமைகளை அவ்வளவு சுலபமாக யாரும் எடுத்து விடுவது இயலாத காரியம். எவ்வளவுக்கெவ்வளவு அவசரமாகச் சட்டம் செய்கிறோமோ, அவ்வளவுக்கவ்வளவு அதில் சிக்கலும், கோர்ட்டுத் தீர்ப்புகளும், அதை நடைமுறையில் நடத்தமுடியாதபடி சிக்கலும், பிரச்சனையும் வந்து விடும். எத்தனையோ ஆலோசனைகள் செய்துதான் நிலத்தைப்பற்றி நாம் ஏதாவது சட்டம் கொண்டுவர முடியும். இந்தச் சட்டத்தை இயற்ற முடியாமல்தான் வெள்ளைக் காரர்களும், இருந்ததை அப்படியே ஊர்ஜிதம் (Confirm) பண்ணி விட்டுப் போய் விட்டார்கள். ரயத்வாரி கொடுத்தால் எந்த அளவுக்குக் கொடுப்பது என்று புரியாமல், இருந்தபடியே இருக்கட்டும், இனம்தாரியாக இருந்தால் இருக்கட்டும், குடிவாரமாக இருந்தால் இருக்கட்டும் என்று அப்படியே ஊர்ஜிதம் செய்து தங்களுடைய ஆட்சி இருக்கிற வரையில் ஏதோ செய்து கொண்டிருந்தால் போதும் என்று செய்து விட்டுப் போய்விட்டார்கள்.

நிலச் சட்டத்தைச் செய்கிற போது, படிப்படியாகச் செய்ய வேண்டும். முதன் முதலில் இனம் நிலங்களுக்கு Rent Reduction செய்தோம். அதற்கு பிறகு Estate Abolition செய்தோம், Estate abolition செய்த பிறகு, இருவாரம் இனமில், மேல்வாரம் பகுதி அதிகமாகக் கொடுக்கிறவர்களுக்கு குறைத்தோம். ரயத்துவாரி நிலத்தில் என்ன கொடுக்கிறார்களோ, அது கொடுத்தால் போதும் என்று குறைத்தோம். அதற்குப் பிறகு, இனி இனம்தாரி முறையே வேண்டியதில்லை, எல்லோரும் ரயத்துவாரி பட்டாதாராக இருக்க வேண்டுமென்று சட்டம் கொண்டு வந்திருக்கிறோம். அதனால்தான் காலதாமதம் செய்ததாகச் சொல்வதற்கு இல்லை என்று கூறிக் கொள்ளுகிறேன். கனம் அங்கத்தினர்க் திரு. பால சுப்பிரமணிய ஐயர் சொன்னது போல, இதைக் கனம் அங்கத்தினர்கள் பரிசீலனை செய்து, செலக்ட் கமிட்டியில் அவர்களுடைய உயர்ந்த கருத்துக்களைக் கொடுக்க வேண்டுமென்று கேட்டுக் கொண்டு என்னுடைய உரையை முடிக்கிறேன்.

SRI A. K. THANGAVEL MUDALIAR : கனம் சட்டமன்ற துணைத் தலைவர் அவர்களே, கனம் அமைச்சர் அவர்களிடம் ஒரு சிறு விளக்கம் கேட்க விரும்புகிறேன். சுவாமிநாதருக்கு பட்டா போட்டுக் கொடுப்பதற்கு யார் பணம் கொடுப்பது, குடிவாரம் தரரா, கவர்ன்மெண்டா?

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THE HON. SRI R. VENKATARAMAN :

குடிவாரம்தார் பணம் கொடுக்க வேண்டாம்: நாம் போட்டிருக்கிற சட்டப்படி, குடிவாரம்தாருக்கு சர்க்கார் பட்டா போட்டுக் கொடுத்து விடும். பட்டா போட்டுக் கொடுத்தவுடன், ரயத்துவாரி முறையில் என்ன அவர்கள் கட்டுகிறார்களோ, அதைக் கட்டினால் போதும்.

SRI A. K. THANGAVEL MUDALIAR : கனம் சட்டமன்ற துணைத்தலைவர் அவர்களே, மேல்வாரம்தாருக்கு யார் பணம் கொடுப்பது என்று தெரிந்து கொள்ள விரும்புகிறேன்.

THE HON. SRI R. VENKATARAMAN : சர்க்கார் கொடுப்பார்கள்.

DEPUTY CHAIRMAN : The question is—

‘That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 21 Members (14 Members of the Assembly and seven Members of the Council) and the mover of the Bill, to consider the Madras Iruvaram Inam Estates (Abolition and Conversion into Ryotwari) Bill, 1962 (L.A. Bill No. 2 of 1962) and that the following Members of this House be selected to serve on such a Joint Select Committee—

Sri K. Balasubramanya Ayyar

Sri K. Anbazhagan.

Sri S. Jayarama Reddiar.

Sri J. Ponnuswamy Villavarayar.

Sri T. V. Devaraja Mudaliar.

Dr. P. V. Rajamannar.

Sri K. Rajaram Naidu.’

‘That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 21 Members (14 Members of the Assembly and seven Members of the Council) and the mover of the Bill, to consider the Madras Minor Inams (Abolition and Conversion into Ryotwari) Bill, 1962 (L.A. Bill No. 3 of 1962) and that the following Members of this House be selected to serve on such a Joint Select Committee—

Sri K. Balasubramanya Ayyar.

Sri K. Anbazhagan.

Sri S. Jayarama Reddiar.

Sri J. Ponnuswamy Villavarayar.

Sri T. V. Devaraja Mudaliar.

Dr. P. V. Rajamannar.

Sri K. Rajaram Naidu.’

[Deputy Chairman]

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That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 21 Members (14 Members of the Assembly and seven Members of the Council) and the mover of the Bill, to consider the Madras Leaseholds (Abolition and Conversion into Ryotwari) Bill, 1962 (L.A. Bill No. 4 of 1962) and that the following Members of this House be selected to serve on such a Joint Select Committee—

Sri K. Balasubramanya Ayyar.

Sri K. Anbazhagan.

Sri S. Jayarama Reddiar.

Sri J. Ponnuswamy Villavarayar.

Sri T. V. Devaraja Mudaliar.

Dr. P. V. Rajamannar.

Sri K. Rajaram Naidu.

The motions were put and carried.

(4) THE MADRAS BUILDINGS (LEASE AND RENT CONTROL) AMENDMENT BILL, 1962 (L.A. BILL NO. 5 OF 1962).

* THE HON. SRIMATHI JOTHI VENCATACHELLUM: Sir I move—

‘That the Madras Buildings (Lease and Rent Control) Amendment Bill*, 1962 (L.A. Bill No. 5, of 1962), as passed by the Assembly, be taken into consideration.’

Sir, section 30 of the Madras Buildings (Lease and Rent Control) Act, 1960 (Madras Act 18 of 1960), provides for exemption of the following categories of buildings—

(i) buildings, the construction of which has been completed and notified to the local authorities concerned after the date of the commencement of the Act, viz., 30th September 1960;

(ii) residential buildings, the rental value of which, as entered in the property-tax assessment book of the municipal council, district board, etc., exceeds two hundred and fifty rupees per mensem; and

(iii) non-residential buildings, the rental value of which, as entered in the property-tax assessment book of the municipal council, district board, etc., exceeds four hundred rupees per mensem.

This new section was introduced with a view to pave the way for gradual decontrol of the restrictions imposed on the letting of residential and non-residential buildings under the new Act. In actual working of the provisions, it was found that tenants occupying portions of houses or flats have suffered on account of the provisions in clauses (ii) and (iii) of the said section. It was brought to the notice of the Government that the landlords had been demanding exorbitant rents from the tenants and had been

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(3) THE MADRAS LEASEHOLDS (ABOLITION AND CONVERSION INTO RYOTWARI) BILL, 1962 (L.A. BILL NO. 4 OF 1962).

* THE HON. SRI R. VENKATARAMAN : Sir, with your permission, I will move all the three motions together inasmuch as all the three bills are going to be considered by the Joint Select Committees, the Members of which are the same. I beg to move :

(1) ' That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 21 Members (14 Members of the Assembly and seven Members of the Council) and the mover of the Bill, to consider the Madras Iruvaram Inam Estates (Abolition and Conversion into Ryotwari) Bill, 1962 (L.A. Bill No. 2 of 1962) and that the following Members of this House be selected to serve on such a Joint Select Committee;

(2) ' That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 21 Members (14 Members of the Assembly and seven Members of the Council) and the mover of the Bill to consider the Madras Minor Inams (Abolition and Conversion into Ryotwari) Bill, 1962 (L.A. Bill No. 3 of 1962) and that the following Members of this House be selected to serve on such a Joint Select Committee;

(3) ' That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 21 Members (14 Members of the Assembly and seven Members of the Council) and the mover of the Bill to consider the Madras Leaseholds (Abolition and Conversion into Ryotwari) Bill, 1962 (L.A. Bill No. 4 of 1962) and that the following Members of this House be selected to serve on such a Joint Select Committee;

The Members on the Joint Select Committee for these three Bills are.:

Sri K. Balasubramanya Ayyangar.

Sri K. Anbazhagan.

Sri S. Jayarama Reddiar.

Sri J. Ponnuswamy Villavarayar.

Sri T. V. Devaraja Mudaliar.

Dr. P. V. Rajamannar.

Sri K. Rajaram Naidu.'

Mr. Deputy Chairman. Sir, hon. Members of this House are aware that the land tenures in this State have had a chequered history spread over several centuries. After the advent of the British, it was found that the British Government wanted to retain the existing tenures as they were and merely see to it that the revenues were collected properly. In certain areas under the permanent settlement, the zamindars were either recognized or created. In

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certain areas, the existing inams were recognized. Then inam grants were made to individuals for rendering service either to a religious or charitable institution. So that, at the time we got our independence, we had several types of tenures prevalent in this country and in this State. When the country became independent, the Government thought that steps should be effectively taken to bring about a uniform land tenure by which there will be one owner of land holding a ryotwari patta having direct common relationship with the Government and that all types of intermediaries should be abolished.

Members who are not familiar with the system of land tenure in this State may, perhaps, excuse me for going into the history of it, if only to explain briefly what the systems were. When the grant under the permanent settlement was made, it was found that the occupier of the land was really the owner and that the grant was made only of the right to collection of rent and of contributing the peshkush to the Government. But some of the zamindars began to assert rights and title to the property itself and began to deal with them as if they were the owners of the land and that the cultivators in the soil had no right. The Madras Estates Land Act was, therefore, passed giving a right of occupancy to those who were in possession of the lands described as ryoti land and it was also declared that a ryoti land, if it was transferred to somebody else, still continued to retain the ryoti character giving the right of occupation with the heritable and transferable right to the person in occupancy as such, what we called the kudivaramdar, the occupancy tenant. The Estates Land Act also included in the definition of the estate these inam villages in which the grant of the melvaram, namely, the right merely to collect the rent has been granted to the inamdar. It was found that there were a number of other inams where the grant was both the melvaram as well as Kudivaram. As a result of the decision of the Privy Council which said there was no resumption in those cases and that inamdars had only the right to melvaram—the decision was in 1919—legislation became necessary. Until then it was presumed that the inamdar had naturally a right to collect melvaram. But the Privy Council decision said that there was no such presumption. After that decision was given, a number of inamdars began to take advantage of that decision and to resume possession of the lands in the hands of the cultivators. Since the tenant could not prove that he had a kudivaram right in those lands, a large amount of displacements began to take place. Agitation then started among the inam tenants that they were being deprived of their occupancy right, the kudivaram rights and that, therefore, Government should pass some enactment protecting their interests. The 1936 amendment was then passed under which inam grants of whole villages were treated as estates, that is, giving the right of kudivaram to those who were in occupation on the 30th April preceding the year in which the Bill was passed. These are inamdars who had both the rights and others who had

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only the melvaram rights and there were also inams of different kinds. When the Estates Abolition Act was discussed, there was a heated controversy whether the inams which were declared to be estates by virtue of the amendment of the Estates Land Act in 1936 should or should not be included in the category of estates and whether the law should be made applicable to them also. Government decided to exclude these inams from the purview of the Estates Act largely because thought that the compensation payable to the 1936 inams should be framed on a different footing from that of the compensation which is to be paid to the zamindars under the Estates Abolition Act. Since then, there has been a considerable volume of opinion that these inams also should be abolished, and they should be given only ryotwari patta. In pursuance of the policy of the Government to have only one system of land tenure, namely, ryotwari tenure, in the State, the Government have now come forward to abolish all the intermediaries in the 1936 inams, minor inams, and leasehold villages which number about ten or twelve in the State, and the Bill is, therefore, before the House. The pattern of the Bill also follows that of the Estates (Abolition and Conversion into Ryotwari) Act, 1948, in every respect, except in the matter of compensation. Under this Bill, a person who has got the kudiram right will get a ryotwari patta as a ryotwari pattadar. A person who has got melvaram right will get compensation according to the schedule, which I am going to describe hereafter. There will be no other class than a ryotwari pattadar who will have direct relations with the Government. That is the main object of the three Bills before the House.

Since the main difference rests on the question of compensation, I shall briefly explain the compensation payable under each one of these three Bills. In respect of the iruwaram inam estates, what we formerly called the 1936 inams, compensation will be calculated with reference to a sum called the basic annual sum, which will be determined as follows. I will have to ask hon. Members to do some arithmetic here, because there will be a lot of additions and subtractions.

From the gross annual ryotwari demand in respect of the lands in the iruwaram inam estate for which any person other than the landholder is entitled to ryotwari patta, $3\frac{1}{3}$ per cent thereof will be deducted towards the cost of maintenance of irrigation works, if any. To the balance, the average net annual miscellaneous revenue derived from fisheries, quarries, etc., if any, in the estate, will be added. From the total, the jodi, quit-rent, kattubadi, etc., payable by the landholder to the Government or to the landholder of another estate, and the whole of the assessment levied under the Madras Inams (Assessment) Act, 1956, on the private lands and the ryoti lands held by the landholder, will be deducted. The balance will be the basic annual sum.

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In respect of estates other than those held by the religious, charitable, or educational institutions, compensation will be a multiple of the basic annual sum, as specified below :—

(i) where the basic annual sum does not exceed Rs. 1,000 thirty times such sum;

(ii) where the basic annual sum exceeds Rs. 1,000 but does not exceed Rs. 3,000, twenty-five times such sum or Rs. 30,000, whichever is greater;

(iii) where the basic annual sum exceeds Rs. 3,000 but does not exceed Rs. 20,000, twenty times such sum or Rs. 75,000, whichever is greater;

(iv) where the basic annual sum exceeds Rs. 20,000 but does not exceed Rs. 50,000, 17½ times such sum or Rs. 4,00,000, whichever is greater;

(v) where the basic annual sum exceeds Rs. 50,000 but does not exceed Rs. 1,00,000, 15 times such sum or Rs. 8,75,000, whichever is greater; and

(vi) where the basic annual sum exceeds Rs. 1,00,000, 12½ times such sum or Rs. 15,00,000, whichever is greater.

In the case of estates held by religious, educational or charitable institutions, the Government will pay to the institution, every year, the basic annual sum as tasdic allowance.

If there is any difference between the average net annual income derived by the institution from all sources in the iruvaram inam estate, as calculated in the prescribed manner, during five complete fasli years immediately preceding the fasli year 1357, and the income, as calculated in the prescribed manner, which the institution may be expected to receive from the lands in respect of which it is entitled to ryotwari patta, then the deficiency will be made good to the institution by the Government.

It may be mentioned that the determination of the basic annual sum is the same as for melvaram inam estates under the Madras Estates (Abolition and Conversion into Ryotwari) Act, 1948, except in one respect only. Since that Act was passed, the Madras Inams (Assessment) Act, 1956, came into force and under this Act all inam lands, except those covered by melvaram inams granted on service tenure, have become liable to pay the appropriate full ryotwari assessment. The private lands and the ryoti lands held by the landholders of iruvaram inam estates are now, therefore, liable to pay full ryotwari assessment. As this is a statutory liability, it was considered that it should also be an item of deduction in the calculation of the basic annual sum along with jodi, quit-rent, kattubadi, etc.

I shall now deal with minor inams granted to individuals without any condition to rendering service to any institution. As the Inams Assessment Act has made all inam lands, except those

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covered by melvaram inams granted on service tenure, liable to pay the appropriate full ryotwari assessment, all minor inams, other than those falling under the excepted category, have lost already the inam privilege of a favourable or complete exemption from assessment. I may explain this. In the past, an inamdar who had a melvaram right could collect Rs. 10 by way of rent. But in 1956, we passed a law saying that the melvaramdar can take only the ryotwari assessment on that land. Since the ryotwari assessment is deductible expenditure, being one which is payable to the Government, there is no difference between what he was getting before and the ryotwari assessment. Therefore, there will be no compensation, except in respect of other items like fisheries, quarries, etc., in the inam at 20 times the average net annual miscellaneous revenue.

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Then, I come to minor inams granted to religious, educational or charitable institutions or to individuals on condition of rendering service to any such institution. In cases where the inam consists of melvaram alone, the Government will give the institution an annual tasdic allowance equal to the fair rent in respect of the lands covered by the inam minus the quit-rent, jodi, kattubadi, cess and additional surcharge payable in respect of the inam. If the inam grant covers the kudivaram also, of course, ryotwari patta will be given to the institution for the lands, but as the melvaram right has already been extinguished under the Inams Assessment Act there is no question of compensating that right. If the institution had been deriving miscellaneous revenue from fisheries, quarries, etc., in the inam, it will be given an annual tasdic allowance equal to the average net annual miscellaneous revenue.

Then, there are the service inams granted to individuals. In the case of minor inams granted to an individual on condition of rendering service to any institution, the service-holder will be bound to continue to render service to the institution even after the abolition of the inam. For so long as he renders the service, the institution will pay to the service-holder the tasdic allowance received by it from the Government. If the service-holder fails to render the service, the prescribed officer will, after enquiry, declare that the tasdic allowance will be the absolute property of the institution. If the service-holder had also been given ryotwari patta for the lands, if any, comprised in the inam, the prescribed officer will also declare that the service-holder's right of occupancy in the lands will cease and determine and that the lands will be the absolute property of the institution. This is the specific provision for those who fail to render such service.

Then we have a few villages in this State in which leases have been granted by the Government. The lessee has no right either to increase or decrease the rent. All that he has got to do is to collect the rent and pay that to the Government and take the difference which has been prescribed by the Government. The

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leasehold villages are held on leases granted by the Government. Two of the villages have been granted on 99 years' lease, expiring in 1994 and 1999 and the other villages have been leased in perpetuity. The lessees in all these cases are private persons and not religious, educational or charitable institutions. The lessees cannot interfere with the communal lands and other porambokes. They are generally under obligation to keep tanks and other irrigation sources serving the village, in good repair, at their expense. They cannot enhance the rent on the land without the consent of the cultivating tenants but they are free to arrange for the cultivation of waste lands and to derive miscellaneous revenue from other sources in the villages. Generally, the ryots have permanent occupancy rights in their lands.

The compensation will be calculated with reference to a sum called the basic annual sum, which will be determined as follows :

From the gross annual rent demand in respect of the lands in the leasehold occupied by any person other than the lessee, 3-1/3 per cent thereof will be deducted towards the cost of maintenance of irrigation works. To the balance the average net annual miscellaneous revenue derived from fisheries, quarries, etc., if any, in the leasehold will be added. From the total, the whole of the amount payable per annum by the lessee to the Government will be deducted. The balance will be the basic annual sum. Compensation will be ten times the basic annual sum in the case of leases granted in perpetuity and five times the basic annual sum in other cases. I may mention here that the Bill introduced last year contained provisions for compensation on slab rates. But, in view of the recent Supreme Court judgment on the Kerala Agrarian Relations Act, the slab rates have been dropped and the present provisions substituted.

Sir, as the Bills are now going before the Joint Select Committee, I do not think it is necessary for me to go into greater detail in respect of the clauses of these Bills. The Bills will be subjected to very great and careful scrutiny by the Joint Select Committee which consists of eminent men.

I, therefore, commend the motions for the acceptance of the House.

DEPUTY CHAIRMAN : The motions are before the House for discussion.

SRI K. BALASUBRAMANYA AYYAR : Sir, I do not know how I should address the Chair whether as Chairman or Deputy Chairman. (The Hon. Sri R. Venkataraman :—Deputy Chairman.) Mr. Deputy Chairman, Sir, of course, I must say, as almost all the hon. Members of this House are aware, that I hold a conservative view in all these matters. Whether it is

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wrong or right, it is for the House to decide and it is for the public to decide. The zamindars were mostly rentiers and they were given permanent settlement on account of the fact that the British Government did not want to take the full responsibility for the collection of rents. They wanted to lease out the power of collection of rent to various persons and they were called zamindars. But so far as inams were concerned, these inams were granted for services rendered or for services to be continued to be rendered, and also as a recognition of the great talents and learning which they possessed and which they thought at that time to be useful to the general public. So it is that the British Government when it came to power surveyed the whole question. They appointed an Inam Commission in 1859 which went into the whole question and finally decided that they should confirm and recognize the inams. They carried always a favourable rent. Sometimes they were assignments of the land revenue. At that time the British Government felt that as they were given in consideration of past services or services to be rendered, these inams should be recognized. Therefore, they issued inam title deeds. It was in the year 1859. There were two kinds of inams, the enfranchised and the unenfranchised. In the case of the unenfranchised inams, the Government surrendered the power of resumption and imposed only a quit rent. I do not know whether this legislation deals with that distinction, the enfranchised and unenfranchised inams.

Under the 1936 legislation, some of these inam grantees had a right of kudivaram and also the melvaram and they were specially exempted from the 1948 legislation. One reason for exempting them was that a larger amount of compensation had to be paid for them based on different principles. Therefore it is that they were exempted. I should rather think that the Government felt at that time, especially when both the varams were given to the inamdars for consideration of services rendered or to be rendered, that they should not try to convert these inams also into ryotwari. It was a general proposition. Therefore, at that time a special provision was made to leave all these 1936 inams out of the purview of the 1948 legislation. Now the Government of Madras think that on account of their policy of abolishing all intermediaries between the Government and the tenants, these also should be abolished. This is a policy, which I should say is not commendable to me because by this we will only be converting the Government into a superior landlord or landholder. This is what some political thinkers call Statism, the whole of the control being entirely in the hands of the Government and the destinies of the peasant proprietors kept entirely in the hands of the Government.

SRI A. GAJAPATHY NAYAGAR : It is not Statism; it is major domain.

SRI K. BALASUBRAMANYA AYYAR : Whatever opinion the hon. Member may have, he is entitled to state it in his turn. But if he had read any book on political science, he would see

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stated therein that this is called Statism. He might or might not agree with what is stated in those books. The hon. Member himself is a very good writer. But I leave the matter here for the House to decide.

I am only stating the principle and I am repeating it that it is Statism wherever the State begins to take full control of the whole thing. That is what the Government's policy amounts to. But, on the other hand, I would commend for the consideration of the House and the Joint Select Committee that it would be better to have proprietors of lands and to deal with them in the best way possible so that they might encourage cultivation and production also. Of course, the proprietors should be helped to enable them to carry on production intensively instead of the Government saying that the State should be responsible for the supply of fertilizers, pumpsets and for ever so many things and the State should have control over whatever the landlords were doing before. As it is, the State must be doing everything now. It is a task which, I think, cannot be satisfactorily done by the State. That is the viewpoint I want to put forth before the House. On the floor of this House discussions took place about the unsatisfactory way in which the distribution of fertilizers was done and how pumpsets were distributed. The hon. Member Sri Anbazhagan referred to pumpsets and how repairs were not carried out in proper time. Therefore, if the State takes entire control of the whole thing, makes itself responsible for helping the ryots in all possible ways from the supply of fertilizers, pumpsets and so on, naturally you will find that it is not able to discharge its responsibilities satisfactorily—as satisfactorily as it ought to. It also gives large power, much larger power to the State than is absolutely necessary under democracy. Therefore it is I say that on these two grounds the abolition of these inams is not a good agricultural policy. Experience has shown us on very many occasions that if you entrust a work to other people, they might do it satisfactorily at times, but very often they do it wrongly or unsatisfactorily. The State works only through its officers and there may be difficulties in the officer doing the work satisfactorily. Everywhere there is abuse of power and unsatisfactory way of doing things. On that ground you cannot say you will abolish all these inams. Therefore, I feel that this policy of abolishing all intermediaries by these three Bills of land reforms, and having only the State and the landholder, is not a satisfactory policy, especially for the agricultural economy of our country. Anyhow, we are in modern times, and things are fast changing. Changing views are being expressed. Let us wait and see whether all these policies will be satisfactory and will be productive of agricultural economy in the State.

The question of compensation is a very difficult matter. Let us be careful. We will consider it when the appropriate time comes. We have got the Supreme Court judgment on the Kerala Agrarian

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Relations Bill. The Joint Select Committee will have to look into the judgment to see how the decision of the Supreme Court bears upon these three Bills. The Joint Select Committee will have to do this. I do not want to embark upon this at this stage. Only on general principles I wanted to speak at this time.

SRI K. ANBAZHAGAN : சட்டமன்றத் துணைத் தலைவர் அவர்களே, அமைச்சர் அவர்கள் இந்த அவையின்மூலமாக கொண்டுவந்துள்ள இந்த இனாம்தாரி ஒழிப்பு மசோதாவை நான் முழு மனதுடன் வரவேற்கவேண்டியே நிற்கின்றேன்.

ஒருசிலர் நினைப்பது போன்று இனாம்தார்கள் ஒரு காலத்தில் பயனுள்ள பணியாற்றிவந்தார்கள் என்பதற்காக இந்தச் சிறப்புக்ளை அந்தக் காலத்தில் பெற்றிருந்தாலும்கூட, அவர்களுடைய பெருமையையும் அவர்கள் ஆற்றிய பணிகளையும் நினைந்து அவர்கள் நன்றி செலுத்த விரும்பினாலும்கூட, இன்றைக்கு அவர்கள் நிலச்சுவான்தார்களாக இருப்பதன் காரணமாக மற்றவர்கள் அதில் பணி ஆற்ற வேண்டிய நிலைமையில், அதில் உழைப்பவர்கள் அவர்களுக்குக் கட்டுப்பட்டவர்களாக, அவர்களிடத்தில் உதவி பெறவேண்டியவர்களாக, அவர்களிடம் வரி செலுத்தவேண்டியவர்களாக இருக்கும் அந்தநிலையில் இது சமுதாயத்துக்கு ஏற்றதல்ல என்ற காரணத்தால்தான் இந்த மசோதா இங்கே கொண்டுவரப்படுவது பயனுள்ள முறையில் நிறைவேற்றப்படவேண்டும் என்ற கருத்தால் இதை நான் வரவேற்கின்றேன். இதற்கு முன்பு ஜமீன் ஒழிப்புச் சட்டம் இந்த சட்ட மன்றத்தில் நிறைவேற்றப்பட்டிருக்கிறது. அது இங்கே விவாதிக்கப்பட்ட நேரத்தில், என்னைப் போன்றவர்கள் மக்கள் தரும் வரிப்பணத்தை எடுத்து குறிப்பாக ஜமீன்தார்களுக்கு நஷ்ட சட்டுத் தொகை கொடுப்பது பற்றி, மாறுபட்ட கருத்தை தெரிவித்திருக்கின்றோம். ஏனென்றால் ஜமீன்தார்களாக இருந்தவர்கள் பல ஆண்டுகளாக ஏழை எளியவர்களைக் கசக்கிப் பிழிந்து, வாட்டி வதைத்து தங்களுடைய சொந்த வாழ்வை வளப்படுத்திக்கொண்டவர்கள் ஆயிற்றே என்பதால் அவர்களுக்கு நஷ்ட ஈடு கொடுக்கின்றீர்களே ஏன்? என்று நாம் கேட்ட போது, “ஆமாம், அதற்கு என்ன செய்வது? சட்டம் அப்படி இருக்கிறது. நஷ்ட ஈட்டுத் தொகை கொடுக்காமல் நாம் எந்த நிலத்தையும் எடுத்துக்கொள்ள சட்டத்தில் இடமில்லை. எனவே அப்படிச் செய்ய வழி இல்லை வசதி இல்லை” என்று சொன்னார்கள்.

மறுபடியும் இப்போது பல ஆண்டுகள் கழித்து இனாம்தார் ஒழிப்பு என்ற இச்சட்டத்திலும் நஷ்ட ஈடு கொடுப்பதற்கு இசைந்து தெரிவித்தும் இருக்கின்றீர்கள். அந்த காலத்தில் மன்னர்கள் ஆண்ட மக்களாட்சியில்லாத அக்காலத்து அரசியல் ஏதாவது முக்கியமான பணியாற்றி இருக்கலாம். அல்லது ஏதாவது ஒரு தொழில் அந்தக் காலத்திற்கும், அன்று பாரி இருந்த கருத்துக்கும் ஏற்ற ஏதாவது ஒரு தொழில் புரிந்திருக்கலாம். அல்லது புலவராக இருந்தோ, பாணராக இருந்தோ,

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அரண்மனையில் வைத்தியராக இருந்தோ பணியாற்றி அதற்கு வெகுமதியாக இந்த இனும் நிலங்களைப் பெற்றிருக்கலாம். அந்தக் காலத்தில் எந்தக் கடமையை நிறைவேற்றுவதற்காக இவை அவர்களுக்குக் கொடுக்கப்பட்டதோ அந்தக் கடமையை இன்று ஆற்றி வருகின்றார்களா என்றால் இல்லை என்றுதான் சொல்லவேண்டும். அன்று ஆற்றிய பணிக்கு அவ்வளவு நிலங்களை அரசு வாரி வழங்க இருந்தாலும் இன்று அதே பணிக்கு அரசாங்கம் இனும் நிலமாகக் கொடுப்பதாக இருந்தால் எவ்வளவு நிலம் கொடுக்கும் என்று ஒரு கணம் சிந்தித்துப் பார்த்தால் இன்றைக்கு அவர்களுக்கு நஷ்ட ஈட்டுத் தொகையாகக் கொடுக்கப் போவதாகச் சொல்லும் தொகை எவ்வளவு அதிகம் என்பது நன்கு புலப்படும். அமைச்சர் அவர்கள், இனும்தார்களுக்கு எப்படி எப்படி நஷ்ட ஈட்டுத் தொகை கொடுக்கப்படும் என்று தெரிவித்தபோது இது இனும்தார் ஒழிப்பா அல்லது இனும் ஒழிப்பு என்ற பெயரால் மக்களுடைய வரிப்பணத்திலிருந்து ஒரு பெரும் தொகையை அவர்களுக்கு கொடுத்து இன்னும் ஒரு புதிய வகுப்பினரை உண்டாக்க நினைக்கின்றதா அரசாங்கம் என்றுதான் எண்ணத் தோன்றுகின்றது. நஷ்ட ஈடு என்ற பெயரால் அவர்கள் இன்றையதினம் இந்த இக்கட்டான நிலைமையிலிருந்து தப்பித்துக்கொள்ளுகின்றார்கள் என்று கருதுகின்றேன். நொண்டி மாட்டை வண்டியில் கட்டிக் கொண்டு, போகவேண்டிய நிலைமையில் இருந்தவர்கள் திடீரென்று அந்த வண்டியிலிருந்து இறங்கி சைக்கிளில் போவதுபோல் ஒரு நிலைமைக்கு இன்று இந்த இனும்தார்கள் வசதி செய்யப்படுகின்றனர் என்றே நான் கருதுகின்றேன். இதுமாதிரி நஷ்ட ஈடு கொடுப்பது என்பது உண்மையிலேயே இனும்தார்களுக்கு பேருதவி செய்வதாகத்தான் அமையுமே தவிர, இது உண்மையான இனும் ஒழிப்பு ஆகாது என்பதைப் பணிவன்புடன் தெரிவித்துக்கொள்ள விரும்புகிறேன்.

இங்கு பேசிய எதிர்க்கட்சித் துணைத் தலைவர் அவர்கள் இதைக் கண்டிக்கும் முறையில் எடுத்துக்காட்டியது போல, காலம் மாறும் காரணத்தால் கருத்து மாறத்தான் செய்யும். கருத்து மாற்றம் நிகழும்போது கட்சிகளையும் தாண்டி பொது வழியில் கருத்து மாறத்தான் செய்யும். அப்போது உழைப்பவர்களுக்குத்தான் நிலம் சொந்தம் என்ற தத்துவம் ஏற்றுக்கொள்ளப்பட்டுத்தான் ஆக வேண்டும். அல்லது நிலத்துக்குச் சொந்தக்காரர்கள் நிலத்திற்குச் சென்று உழைத்தாக வேண்டும். இதில் எது சாத்தியம் என்று பார்த்தால் நிலத்தின் சொந்தக்காரர்கள் நிலத்துக்குப் போவது என்பதைவிட உழைப்பவர்களுக்குத்தான் நிலம் சொந்தம் என்ற நடைமுறை தான் கடைசியில் வெற்றிபெறும். எனவே எது உண்மையாக நீடித்த பயன் தருமோ அதற்குத் தக்கபடி நடந்து கொள்ளவேண்டிய பொறுப்பு இந்த அரசாங்கத்திற்கு இருக்கின்றது. எதிர்க்கட்சித் துணைத் தலைவர் அவர்கள் வருத்தப்படுவது போன்று இந்த சட்டம் பற்றி அதிகமாக வருத்தப்பட்ட நியாயம் இல்லை. காரணம் இதனை எல்லாம் எவ்வளவு காலம் தாழ்த்திக்

7th May 1962]

[K. Anbazhagan]

கொண்டு வரவேண்டுமோ அவ்வளவு காலம் தாழ்த்திக்கொண்டு வந்து அதன்மூலம் அந்த இனம்தார்களுக்கு எவ்வளவு வாய்ப்பும் வசதியும் ஏற்படுத்திக் கொடுக்கவேண்டுமோ அவ்வளவையும் செய்து கொடுத்திருக்கின்றார்கள் இந்த அரசாங்கத்தில் சென்ற ஹந்தாண்டு காலத்திலேயே இந்த மசோதா கொண்டுவந்து நிறைவேற்றப்பட்டிருக்கலாம். ஆனால் ஏனோ தெரியவில்லை இவ்வளவு காலம் தாழ்த்திக் கொண்டிருக்கின்றார்கள். காலத்துக்கு ஏற்ற கடன்மையைப் பின்தங்கிச் செய்தபோதிலும், இது வரவேற்கத்தக்கதுதான். இதன்மூலம் நில உடமை முறையில் உண்மையான மாற்றம் ஏற்பட்டு இந்த நாட்டிலுள்ள உழவர்கள் ஓரளவுக்காவது பயன் காண முடியும் என்ற நிலை உருவாகும் என நம்புகிறேன். மேலும் இந்த சட்டத்தின் விவரங்களை ஆய்வுக்குழு ஆராய இருக்கும் காரணத்தால் இதுபற்றி அதிகமாகக் குறிப்பிடாமல், நஷ்ட ஈடு கொடுக்கும் முறைகள் வகுக்கப்படும்போது அவை சீராகக் கணக்கிடப்பட்டு இந்தச் சட்டம் நல்ல முறையில் அமுலாக்கப்பட வேண்டும் என்று வேண்டிக்கொண்டு எனது உரையை முடித்துக்கொள்ளுகின்றேன்.

* THE HON. SRI R. VENKATARAMAN : கனம் துணைத் தலைவர் அவர்களே, இந்த விவாதத்திற்கு பதில் அளிக்கும் முறையில் இரண்டொரு வார்த்தைகளைத்தான் சொல்ல விரும்புகின்றேன்.

இன்றைக்கு இந்த மசோதாவில் கண்டுள்ளபடி இனம்தாரியை ஒழித்து வாரம்தாருக்கு ரயத்வாரி பட்டா அளிப்பதால் எந்த விதத்திலும் அரசாங்கம் அதனால் லாபம் அடையவோ அல்லது தனது அதிகாரத்தை இன்னும் பலப்படுத்திக்கொள்ளவோ விரும்ப வில்லை. இதனால் எந்தவிதமான சர்க்கார் அதிகாரமும் பலம் அடையவில்லை என்பதை தெரிவித்துக்கொள்ளுகின்றேன்.

குடி வாரம் உரிமை இருக்கின்றவர்களுக்கு பட்டா கொடுக்கப்படும். இனம்தார் மேல்வாரம், குடிவாரம் இரண்டும் வைத்து இருந்தாலும்கூட அவர்களுக்குக்கூட குடி வாரம் உரிமை இருக்கும் காரணத்தால், அவர்களுக்கும் பட்டா கொடுக்கப்படும். மேல் வாரம் மட்டும் வைத்துக்கொண்டு இருப்பவர்களுக்கு நஷ்ட ஈடு கொடுத்து இந்தக் குடிவாரம் இருக்கின்றவர்களுக்கு பட்டா உரிமை வழங்கப்படும். பட்டா உரிமை வழங்கப்பட்ட உடன், சாதாரணமாக சட்டத்தின் அடிப்படையில், அது அவர்களுடைய Full and absolute property என்றுதான் அர்த்தம். அப்படிப்பட்ட நிலையில் அவர்களிடம் சர்க்காருக்கு சட்ட பூர்வமாக நிர்ணயிக்கப்பட்ட நிலத்தீர்வை வாங்குகின்றதைத் தவிர வேறு அதிகாரம் கிடையாது. எனவே ரயத்வாரி-முறையில் Statism வளர்ந்துவிடும் என்று கனம் அங்கத்தினர் சொல்லுவது அவ்வளவு பொறுத்தமாக இல்லை. அடுத்தபடியாக, நஷ்ட ஈடு கொடுப்பது சம்மந்தமாக மரீ பாலசுப்பிரமணிய ஐயர் அவர்கள் சொல்லும்போது Agrarian Relations (Kerala) Act ன் பேரில் Supreme Court-ன் தீர்ப்பை யொட்டி இந்தப் பிரிசிலை செய்ய வேண்டும் என்று சொன்னார்கள். சர்க்கார் இன்றைக்கு அதைப்

[Sri R. Venkataraman]

[7th May 1962]

பரிசீலனை செய்திருக்கின்றது. நம்முடைய அரசியல் சட்டம் 31-A பிரிவின் கீழ் இந்தமாதிரி காரியங்களுக்கு இன்றைய சட்ட மன்றங்கள் தகுந்த முறையில் நஷ்ட சட்டுத் தொகையை நிர்ணயிக்கலாம் என்று இருக்கின்றது.

Lease hold Compensation - ஸ்லப் பொறுத்த வரையில் அவர்களுக்கு நாம் slab-rate போடாமல் ஒரே விகிதமாக Supreme Court -ன் தீர்ப்புக்கு ஏற்ற மாதிரி கொடுத்திருக்கின்றோம். அடுத்து, ஸ்ரீ அன்பழகன் அவர்கள் பேசும்போது இது காலம் தாழ்த்தி வந்தது என்று குறிப்பிட்டார்கள். இருநூறு ஆண்டுகளாக நம்முடைய நாட்டில் வளர்ந்து வந்த இந்த சமுதாயத்தில் ஏற்பட்ட பலவிதமான நிலவுடைமைகளை அவ்வளவு சுலபமாக யாரும் எடுத்து விடுவது இயலாத காரியம். எவ்வளவுக்கெவ்வளவு அவசரமாகச் சட்டம் செய்கிறோமோ, அவ்வளவுக்கவ்வளவு அதில் சிக்கலும், கோர்ட்டுத் தீர்ப்புகளும், அதை நடைமுறையில் நடத்தமுடியாதபடி சிக்கலும், பிரச்சனையும் வந்து விடும். எத்தனையோ ஆலோசனைகள் செய்துதான் நிலத்தைப்பற்றி நாம் ஏதாவது சட்டம் கொண்டுவர முடியும். இந்தச் சட்டத்தை இயற்ற முடியாமல்தான் வெள்ளைக் காரர்களும், இருந்ததை அப்படியே ஊர்ஜிதம் (Confirm) பண்ணி விட்டுப் போய் விட்டார்கள். ரயத்வாரி கொடுத்தால் எந்த அளவுக்குக் கொடுப்பது என்று புரியாமல், இருந்தபடியே இருக்கட்டும், இனம்தாரியாக இருந்தால் இருக்கட்டும், குடிவாரமாக இருந்தால் இருக்கட்டும் என்று அப்படியே ஊர்ஜிதம் செய்து தங்களுடைய ஆட்சி இருக்கிற வரையில் ஏதோ செய்து கொண்டிருந்தால் போதும் என்று செய்து விட்டுப் போய்விட்டார்கள்.

நிலச் சட்டத்தைச் செய்கிற போது, படிப்படியாகச் செய்ய வேண்டும். முதன் முதலில் இனம் நிலங்களுக்கு Rent Reduction செய்தோம். அதற்கு பிறகு Estate Abolition செய்தோம், Estate abolition செய்த பிறகு, இருவாரம் இனமில், மேல்வாரம் பகுதி அதிகமாகக் கொடுக்கிறவர்களுக்கு குறைத்தோம். ரயத்துவாரி நிலத்தில் என்ன கொடுக்கிறார்களோ, அது கொடுத்தால் போதும் என்று குறைத்தோம். அதற்குப் பிறகு, இனி இனம்தாரி முறையே வேண்டியதில்லை, எல்லோரும் ரயத்துவாரி பட்டாதாராக இருக்க வேண்டுமென்று சட்டம் கொண்டு வந்திருக்கிறோம். அதனால்தான் காலதாமதம் செய்ததாகச் சொல்வதற்கு இல்லை என்று கூறிக் கொள்ளுகிறேன். கனம் அங்கத்தினர்க் திரு. பால சுப்பிரமணிய ஐயர் சொன்னது போல, இதைக் கனம் அங்கத்தினர்கள் பரிசீலனை செய்து, செலக்ட் கமிட்டியில் அவர்களுடைய உயர்ந்த கருத்துக்களைக் கொடுக்க வேண்டுமென்று கேட்டுக் கொண்டு என்னுடைய உரையை முடிக்கிறேன்.

SRI A. K. THANGAVEL MUDALIAR : கனம் சட்டமன்ற துணைத் தலைவர் அவர்களே, கனம் அமைச்சர் அவர்களிடம் ஒரு சிறு விளக்கம் கேட்க விரும்புகிறேன். சுவாமராமதாருக்கு பட்டா போட்டுக் கொடுப்பதற்கு யார் பணம் கொடுப்பது, குடிவாரம் தரரா, கவர்ன்மெண்டா?

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THE HON. SRI R. VENKATARAMAN :

குடிவாரம்தார் பணம் கொடுக்க வேண்டாம்: நாம் போட்டிருக்கிற சட்டப்படி, குடிவாரம்தாருக்கு சர்க்கார் பட்டா போட்டுக் கொடுத்து விடும். பட்டா போட்டுக் கொடுத்தவுடன், ரயத்துவாரி முறையில் என்ன அவர்கள் கட்டுகிறார்களோ, அதைக் கட்டினால் போதும்.

SRI A. K. THANGAVEL MUDALIAR : கனம் சட்டமன்ற துணைத்தலைவர் அவர்களே, மேல்வாரம்தாருக்கு யார் பணம் கொடுப்பது என்று தெரிந்து கொள்ள விரும்புகிறேன்.

THE HON. SRI R. VENKATARAMAN : சர்க்கார் கொடுப்பார்கள்.

DEPUTY CHAIRMAN : The question is—

‘That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 21 Members (14 Members of the Assembly and seven Members of the Council) and the mover of the Bill, to consider the Madras Iruvaram Inam Estates (Abolition and Conversion into Ryotwari) Bill, 1962 (L.A. Bill No. 2 of 1962) and that the following Members of this House be selected to serve on such a Joint Select Committee—

Sri K. Balasubramanya Ayyar

Sri K. Anbazhagan.

Sri S. Jayarama Reddiar.

Sri J. Ponnuswamy Villavarayar.

Sri T. V. Devaraja Mudaliar.

Dr. P. V. Rajamannar.

Sri K. Rajaram Naidu.’

‘That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 21 Members (14 Members of the Assembly and seven Members of the Council) and the mover of the Bill, to consider the Madras Minor Inams (Abolition and Conversion into Ryotwari) Bill, 1962 (L.A. Bill No. 3 of 1962) and that the following Members of this House be selected to serve on such a Joint Select Committee—

Sri K. Balasubramanya Ayyar.

Sri K. Anbazhagan.

Sri S. Jayarama Reddiar.

Sri J. Ponnuswamy Villavarayar.

Sri T. V. Devaraja Mudaliar.

Dr. P. V. Rajamannar.

Sri K. Rajaram Naidu.’

[Deputy Chairman]

[7th May 1962]

That this House concurs with the Assembly in setting up a Joint Select Committee of both the Houses consisting of 21 Members (14 Members of the Assembly and seven Members of the Council) and the mover of the Bill, to consider the Madras Leaseholds (Abolition and Conversion into Ryotwari) Bill, 1962 (L.A. Bill No. 4 of 1962) and that the following Members of this House be selected to serve on such a Joint Select Committee—

Sri K. Balasubramanya Ayyar.

Sri K. Anbazhagan.

Sri S. Jayarama Reddiar.

Sri J. Ponnuswamy Villavarayar.

Sri T. V. Devaraja Mudaliar.

Dr. P. V. Rajamannar.

Sri K. Rajaram Naidu.

The motions were put and carried.

(4) THE MADRAS BUILDINGS (LEASE AND RENT CONTROL) AMENDMENT BILL, 1962 (L.A. BILL NO. 5 OF 1962).

* THE HON. SRIMATHI JOTHI VENCATACHELLUM: Sir I move—

‘That the Madras Buildings (Lease and Rent Control) Amendment Bill*, 1962 (L.A. Bill No. 5, of 1962), as passed by the Assembly, be taken into consideration.’

Sir, section 30 of the Madras Buildings (Lease and Rent Control) Act, 1960 (Madras Act 18 of 1960), provides for exemption of the following categories of buildings—

(i) buildings, the construction of which has been completed and notified to the local authorities concerned after the date of the commencement of the Act, viz., 30th September 1960;

(ii) residential buildings, the rental value of which, as entered in the property-tax assessment book of the municipal council, district board, etc., exceeds two hundred and fifty rupees per mensem; and

(iii) non-residential buildings, the rental value of which, as entered in the property-tax assessment book of the municipal council, district board, etc., exceeds four hundred rupees per mensem.

This new section was introduced with a view to pave the way for gradual decontrol of the restrictions imposed on the letting of residential and non-residential buildings under the new Act. In actual working of the provisions, it was found that tenants occupying portions of houses or flats have suffered on account of the provisions in clauses (ii) and (iii) of the said section. It was brought to the notice of the Government that the landlords had been demanding exorbitant rents from the tenants and had been

7th May 1962] [Srimathi Jothi Vencatachellum]

threatening them with eviction, in case such demands had not been conceded. Several ejection suits had also been filed taking advantage of clauses (ii) and (iii) of section 30 in order to get higher and exorbitant rents from the tenants. The Government examined the whole position and came to the conclusion that the hardship caused to the tenants should be removed. The Government, however, felt that as an inducement to the prospective builders of new houses, it was necessary to retain the exemption in respect of new buildings, the construction of which had been completed and notified to the local authority concerned after the commencement of the Madras Act 18 of 1960, viz., 30th September 1960, there was, however, no need for the exemptions provided in clauses (ii) and (iii) of section 30. Accordingly, it was decided to recast section 30 suitably and the Madras Buildings (Lease and Rent Control) Bill, 1961, (L.A. Bill 51 of 1961) was moved in the last session of the Assembly. As recommended by the Assembly, the Bill was referred to a select committee of the Legislative Assembly for consideration. The select committee decided that the exemptions in clauses (ii) and (iii) of section 30 of the new Act should be on the basis of the rent paid by the tenant and that the Act should not be extended to the tenants paying a monthly rent exceeding Rs. 250 in the case of a residential building or part thereof and Rs. 400 in the case of a non-residential building or part thereof. As the original Bill, as amended by the select committee, could not be passed in the last sitting of the Assembly before the general elections, the select committee suggested that an Ordinance might be promulgated to give effect to its decision. It was not, however, possible to promulgate an Ordinance.

The Government have again re-examined the entire position, and they consider that, to set matters right and to remove the hardships caused to the tenants, the exemptions provided in clauses (ii) and (iii) of section 30 should be restricted to individual flat or separate portion of a house occupied by a single tenant. At the same time, the Government also consider that as an inducement to prospective builders of new houses, it is necessary to retain the exemption in respect of new buildings, the construction of which has been completed and notified to the local authority concerned after the commencement of Madras Act 18 of 1960. With the above objects in view, section 30 of the Madras Buildings (Lease and Rent Control) Act, 1960, has been suitably recast.

Sir, this is a simple Bill. It was already referred to a joint select committee, in which hon. Members of this House also had an opportunity to express their views. I hope that the Bill will have the unanimous approval of this House.

DEPUTY CHAIRMAN : Motion moved—

“ That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1962 (L.A. Bill No. 5 of 1962), as passed by the Assembly, be taken into consideration ”

[7th May 1962]

4-10
P.m.

SRI K. BALASUBRAMANYA AYYAR: Mr. Deputy Chair-
referred to a Joint Select Committee. Afterwards, there was
referred to a Joint Select Committee. Afterwards, there was
another Bill, whereby it was sought to remove the whole of this
section 30. That was referred to a Select Committee of the
Assembly alone. There, they finally came to the conclusion that
the whole exemption need not be taken away because the section
referred to residential buildings also. They said that the exemp-
tion given to tenants who were actually paying Rs. 250 and above
need not be abolished. Some of us had no advantage of discuss-
ing that Bill. But I have no objection to the present provision.
I only want the hon. Members to consider this in the light of the
previous section 30. It was stated that if the records of the munici-
pality or the Corporation showed that the rental value was fixed
at Rs. 250 or above, the Act would not apply to that building.
Now it has been changed. It is stated that any tenant who pays
a rent of Rs. 250 will not come within the purview of the Act. I
do not know why this change is made. Probably the records of
the Corporation or the municipality may not fully give informa-
tion about the actual rents that are paid by the tenants. I do not
know whether this provision alone will prevent abuse. Anyhow,
wherever records fixing the rental value are available, that would
be a better basis for granting exemption. There is no point in
discussing it further.

SRI M. SESHACHARIAR: Mr. Deputy Chairman, Sir,
having been on the Committee at that time, I know what happened
then. The hon. Member Sri Balasubramanya Ayyar also knows
very well what happened at that time. The point that was sought
to be made out was this. There might be a number of tenants
in a house. The Godown Street was particularly mentioned then
as an instance. The entire house might fetch a rent of
Rs. 1,000 or more. But the point was whether each one of the
tenants paid more than Rs. 250 or less than Rs. 250. If he paid
more than Rs. 250, he should be exempt from the Act. That
was what was intended. But suddenly a point arose that it
related only to the tenant and not to the landlord. It was contended
that it related to both. Therefore, a number of suits have been
filed. In the circumstances, it is absolutely necessary that this
Bill should be passed. Unfortunately, a slight change in the
wording of the Act made a lot of mistake. It is essential now to
pass this Bill.

SRI G. KRISHNAMOORTHY: Sir, nobody can have objec-
tion to sympathetic treatment being meted out by the Government
to the tenants. Whether it be in the case of lands or whether
it be in the case of buildings, Government seem to be prone to
think that tenants always behave properly and landlords mis-
behave. Somehow or other, it has become the policy of the Gov-
ernment of late to interfere with the individual rights and create
sections in society when we really want harmony. Such pieces
of legislation as this—this is only an amendment and I do not stand
in the way—tend to create disharmony as between the landlords

7th May 1962] [Sri G. Krishnamoorthy]

and tenants, whether it be building or land. Government do not always go back and see how things were being done some one or two decades ago. This was an emergency legislation brought in by us for the sake of rationing houses as we had rationing of rice. Did we not take courage into our hands and see that rationing of rice was abolished? Are we anyway suffering for the abolition of rice rationing? Cannot the Government have trust both in the landlord and in the tenant and cannot they trust in the virtues of these people in this land where we boast of unity and every kind of good quality? Why should the Government always think that the man who has some property will always commit mischief or will be trying to create trouble to the other man who has not got a piece of land. The rent-payer may be having thousands of rupees in cash and he may not own a house. A poor man may own a house. Where does the poor owner of that small house come in the eyes of the Government? So, where is the real solution to the problem? It is a question of demand and supply. The City has been attracting large crowds whether due to various entertainments, or perhaps hospital facilities, or educational institutions. How are the Government going to solve this problem? Now we pass a legislation; some tenants create some trouble. Then there are some cases and we say, 'Let us seek a remedy.' But all this is piecemeal remedy. Where is the real remedy for this? There must be more construction of houses and even now we see large storeyed flats being constructed by the Government through their Housing Board at a cost of Rs. 50 lakhs or Rs. 55 lakhs in small areas. Will they be able to render relief to the poor people who want houses? If really the Housing Board want to give relief and bring about the repeal of this Act, should they not construct houses in large areas and create Greater Madras? That should be the real remedy. The real solution would be the construction of more houses so that there may be more supply and even if the landlord demands a higher rent, the house may remain unoccupied. Because he demands an exorbitant rent, it should be solved only by the law of supply and demand. Bad landlords have to suffer by demanding an exorbitant rent and there may be no occupants. If there are more houses, that can be done. The Government find themselves in a difficult position because they find a real inlet of people into the City.

THE HON. SRI R. VENKATARAMAN: May I ask whether the salaries and allowances of teachers may be settled by demand and supply?

SRI G. KRISHNAMOORTHY: Certainly, Sir, that is what we say. We say that we have been doing work and we demand. We are supplying to the intellect of the pupils and we are demanding our rights. That is what I say. Government find themselves in a difficult position.

DEPUTY CHAIRMAN: The hon. Member is not speaking on the merits of the Amendment Bill.

[7th May 1962]

SRI G. KRISHNAMOORTHY : I suggest that the question of fundamental relief by repeal of this Act instead of bringing in piecemeal amendments now and then should be considered by the Government and a long-range programme must be evolved besides the programme that they have already in hand.

4-20
P.m.

* SRI T. P. SRINIVASAVARADAN : Mr. Deputy Chairman, I heartily welcome this measure for more reasons than one. It has not come too soon. Even at the time when we considered the Rent Control Bill, some wanted that an upper limit should be fixed and others said that there should be no upper limit and as a compromise, we decided that buildings fetching a rent of Rs. 250 and above should be exempted and non-residential buildings fetching a rent of Rs. 400 and above should be exempted. We thought that this would work smoothly and that the landlords should be considerate. It has been found in the last six or seven months that there are still a good number of unscrupulous landlords. They have taken advantage of the loopholes in the Act and they have raised the rents exorbitantly. I should like to point out that this measure is not enough and that something more must be done. Sind refugees were the first to introduce the pugree system. It was unknown in the Madras State. The system is this. An advance of Rs. 1,000 or Rs. 2,000 is received and it is once and for all written off. It cannot be claimed back. Now what is being done is this. Some of these unscrupulous landlords take three, five or six months' rent in advance. I use the word 'unscrupulous' deliberately. I can give facts and figures. After four or five months they create a situation in which the tenant finds it difficult to continue. He is asked to quit. He has been paying regularly the rent. The advance is not repaid. If he wants to go to a Court of Law, there is no receipt. Of course, human beings trust one another. I do admit it. But, unfortunately, the infection has spread that somehow or other the tenants must be fleeced. Of course, my hon. Friend suggested that more buildings should be constructed. It cannot be done in a day. It will take years. It does not necessarily mean that till then the landlords should extort money as much as possible from the tenants. Why has the situation arisen? Certainly, the tenants would not have approached the Government to have such a Bill, but the landlords are unscrupulous. I am again and again using that expression because they do not carry out even ordinary repairs, though there is provision in the Act for this purpose. I am living in a house for the past three years. The house owner has not cared out any repair. I have been doing it myself. A number of my friends asked me, 'Why don't you raise it on the floor of the House?' I can raise it on the floor of the House, but if bad people are there, nothing can be done. I welcome this measure. There must be stricter measures also. The best thing will be for the tenants to pay the rent in the treasury and for the landlord to take the money from the treasury. The landlord gives a receipt for Rs. 30 but actually collects Rs. 50. All this will then end. Such people may form only 10 per cent, but even this 10 per cent

7th May 1962] [Sri T. P. Srinivasavaradam]

spoil other people. Then, if the landlord happens to live in the house, woe unto the tenants. They do not get tap water. They do not get any amenities. Lights are put off at 9 or 10 o'clock in the night. They collect lighting charges. For every light they collect Rs. 2 and in some cases Rs. 3. They don't allow you to have a sub-meter. So, this Bill is absolutely essential. Otherwise, I am quite sure that 99 per cent of the N.G.Os. would be put to immense suffering. I know most of these landlords borrow money, build houses and then let them out at a higher rent. Last time I suggested one thing. The Hon. the Leader of the House was hearing me. In England no one is allowed to construct more than two houses. If he has money, he is asked to give it as loan to the Corporation. The Corporation constructs the building and lets it out at a fair rent. As a matter of fact, here a ground fetches Rs. 10,000. From Rs. 7,000 it has risen to Rs. 10,000. What was Rs. 2,000 some four years ago has now risen to Rs. 10,000. There must be a restriction on this also. There should be a limit to possession of private property. (Interruption). Though I happen to be in the Opposition, it does not necessarily mean that I should always oppose even good measures. This measure will benefit a large number of people. Take a census of how many people have got houses in the City of Madras, and how many of the houses are occupied by tenants. The tenants are greater in number than the landlords. Should we not see that they live happily and that they pay only fair rent? I welcome this measure. I appeal to the Hon. Minister who did so much when she was in charge of Prohibition to go in cognate and find out how rents are charged and receipts are issued. Then she will understand the hardship of some of these people. I do not say all landlords are bad. Some landlords are good but they are a minority. I support this measure.

THE HON. SRIMATHI JOTHI VENCATACHELLUM :

Mr. Deputy Chairman, Sir, I shall answer the point raised by the hon. the Deputy Leader of the Opposition. With regard to the rental value, I feel it is not possible to find out the rental value in the case of portions and it is considered not also possible to get at any receipt. The amendment is necessitated due to the lacuna in section 30 of the Act. There are already a hundred cases for eviction pending. So, I feel it is necessary that control should continue. The exemption given for the new buildings is intended to encourage people to put up new buildings without the least feeling that the Government will take over them.

I thank the hon. Member Sri Srinivasavaradan for welcoming this measure. I request the House to pass the motion.

DEPUTY CHAIRMAN : The question is—

"That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1962 (L.A. Bill No. 5 of 1962), as passed by the Assembly, be taken into consideration."

The motion was put and carried and the Bill was taken into consideration.

[Deputy Chairman] [7th May 1962]

Clauses 2 and 3 were put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRIMATHI JOTHI VENKATACHELLUM: Sir,
I move—

“ That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1962 (L.A. Bill No. 5 of 1962), as passed by the Assembly, be passed.”

DEPUTY CHAIRMAN: The question is—

“ That the Madras Buildings (Lease and Rent Control) Amendment Bill, 1962 (L.A. Bill No. 5 of 1962), as passed by the Assembly, be passed.”

The motion was put and carried and the Bill was passed.

DEPUTY CHAIRMAN: The House will now adjourn and meet again at 3 p.m. on Saturday, the 30th June 1962.

The House then adjourned.

V—PAPERS LAID ON THE TABLE OF THE HOUSE.

* 84. Notification issued with G.O. Ms. No. 748, Home, dated 20th February 1962, regarding amendment to Rule 38 of the Rules under the Madras Borstal Schools Act, 1925.

* 85. Notification issued with G.O. No. 4065, Revenue, dated 26th September 1961, regarding issue of the “ Submission of Budgets, Deposits, Accounts, Returns or other Information Rules ”.

* 86. Notification issued with G.O. Ms. 644, Revenue, dated 10th February 1962, appointing the date of publication of this notification in the Fort St. George Gazette, namely, 23th February 1962, as the date on which the provisions of the Madras Public Premises (Eviction of Unauthorised Occupants) Act, 1960 shall come into force in all townships in the State of Madras and in the area within a distance of five miles from the limits of the said townships.

† Bill passed by the Assembly and received therefrom in the Council.—The Madras Buildings (Lease and Rent Control) Amendment Bill, 1962 (L.A. Bill No. 5 of 1962).

* Laid on the table of the House on 5th May 1962.

† Sent to all M.L.As. by special messengers on 4th May 1962.

7th May 1962]

APPENDIX.

[Vide Item IV (4) on 320.]

L. A. Bill No. 5 of 1962.

(As passed by the Assembly.)

A Bill to amend the Madras Buildings (Lease and Rent Control) Act, 1960.

WHEREAS it is expedient to amend the Madras Buildings (Lease and Rent Control) Act, 1960 (Madras Act 18 of 1960), for the purpose hereinafter appearing;

BE it enacted in the Thirteenth Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Madras Buildings (Lease and Rent Control) Amendment Act, 1962.

2. *Substitution of new section for section 30 in Madras Act 18 of 1960.*—For section 30 of the Madras Buildings (Lease and Rent Control) Act, 1960 (Madras Act 18 of 1960) (hereinafter referred to as the principal Act), the following section shall be substituted, namely:—

“ 30. *Exemption in the case of certain Buildings.*—Nothing contained in this Act shall apply to—

(i) any building the construction of which was after the date of the commencement of this Act, completed and notified to the local authority concerned; or

(ii) any residential building or part thereof occupied by any one tenant if the monthly rent paid by him in respect of that building or part exceeds two hundred and fifty rupees; or

(iii) any non-residential building or part thereof occupied by any one tenant if the monthly rent paid by him in respect of that building or part exceeds four hundred rupees.

Explanation.—For the purposes of clauses (ii) and (iii) “tenants” shall include—

(a) a person to whom the tenant has transferred his rights under the lease with the written consent of the landlord; and

(b) a sub-tenant in any case where the building or part thereof has been sub-let with the written consent of the landlord or where the lease confers a right to sub-let.

3. *Certain pending proceedings to abate.*—Every proceeding in respect of any building pending before any Court or other authority or officer on the date of the publication of this Act in the *Fort St. George Gazette* and instituted on the ground that such building was exempt from the provisions of the principal Act by virtue of clause (ii) or (iii) as the case may be, of section 30 of the principal Act shall, if the building or part thereof is not exempt under clause (ii) or (iii) aforesaid as amended by this Act, abate in so far as

[7th May 1962]

the proceeding relates to such building or part. All rights and privileges which may have accrued before such date to any landlord in respect of any building by virtue of clause (ii) or (iii) of section 30 of the principal Act, shall, in so far as they relate to a building or part thereof which is not exempt under clause (ii) or (iii) aforesaid as amended by this Act, cease and determine and shall not be be enforceable :

Provided that nothing contained in this section shall be deemed to invalidate any suit or proceeding in which the decree or order passed has been executed or satisfied in full before the date mention in this section.



வாய்மையே வெல்லும்
TRUTH ALONE TRIUMPHS

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TWENTIETH SESSION OF THE LEGISLATIVE COUNCIL UNDER THE CONSTITUTION OF INDIA.

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